OTHER PEOPLE'S CHILDREN: REPRESENTATIONS OF PAID-CHILDCARE IN BRITAIN, 1867-1908

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Abstract

Other people's children: representations of paid-childcare in Britain, 1867-1908

This thesis critically examines how informal child-care, performed for money, was subject to sustained scrutiny between 1867-1908. This period saw women who took children into their home in exchange for payment being subject to judicial sanction, press comment and legislative intervention. The passage of the 1908 *Children Act* marked the point at which all women who took in children for money were subjected to legislation for the first time.

Existing scholarship on this topic has largely been confined to a small and unrepresentative sample of women who were convicted of murdering children they were paid to look after and concentrated on exploring the manner in which these women were demonised and labelled with the pejorative term 'baby-farmer.' This thesis makes a contribution to scholarship by demonstrating the need to study a wider range of women who took in children for money. It also shows that the template of the criminal 'baby-farmer' was only one possible representation of such women who took in children for payment. To this end, the study utilises a selection of under-analysed case files, court records and campaigning literature.

The thesis has found that the term 'baby-farmer' has limited analytical value. A range of social actors told different stories, in different contexts for different purposes. As the period covered by this study drew to a close, narratives were increasingly likely to emphasise functional aspects of childcare performed for money; a shift informed by and informing changing ideas around, female employment, the role of the state, parental authority and the value of the child.

Acknowledgments

I would like to recognise the valuable and unstinting support that I have received in writing this thesis. The first and perhaps largest debt of gratitude is owed to my primary supervisor Andy Davies. It is difficult to imagine a supervisor who could have offered any more in terms of encouragement, patience, commitment, clear advice and an ability to retain a sense of perspective when I had lost mine. It is almost entirely due to Andy's oversight and guidance that I have been able to transform a set of vague research questions into a thesis.

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Dedicated to June Elizabeth Dobson 1930-2012

Contents

List of abbreviations

- **AL -** Advocates Library
- **BLA –** Bedfordshire and Luton Archives
- **BMJ -** *British Medical Journal*
- **BRO -** Berkshire Records Office
- **CD Acts** - Contagious Diseases Acts
- **GMCR** - Greater Manchester County Records Office
- **HC -** House of Commons
- **HL -** House of Lords
- **ILPS -** Infant Life Protection Society
- **LCC -** London County Council
- **LMA -** London Metropolitan Archives
- **MBW -** Metropolitan Board of Works
- **NA -** National Archives
- **NBDM -** *North British Daily Mail*
- **NRS -** National Records of Scotland
- **NSPCC -** National Society for the Prevention of Cruelty to Children.
- **NVADPR-** National Vigilance Association for the Defence of Personal Rights
- **SSPCC -** Scottish Society for the Prevention of Cruelty to Children.

Introduction

Wanted an infant to nurse by respectable married woman

Address 7581 Apply *Herald* Office[1]

As distasteful as the notion of acquiring a child through the medium of a classified advertisement may appear to present-day readers, such notices were a regular feature in most national and regional newspapers throughout the period 1867-1908. This advertisement, and thousands like it, bore testament to the fact that in every major British city there were women who would take in other people's children in exchange for either a lump-sum or a weekly payment. This 'respectable married woman' could typically expect to earn a one-off fee of between £3-£15 or a weekly payment of between 3 and 8 shillings for every child she acquired. The precise amount a woman could demand for taking a child was determined by a number of market factors: including the income of the person surrendering the child, the number of competitors in the local area and how closely the woman and her home conformed to the vision of middle-class respectability that so many of these advertisements promised. [2]

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[1] [No title]. *Glasgow Herald* 24 September 1869, p. 2.

[2] City of Edinburgh Police, *Inquiry regarding persons resident in Edinburgh who answered advertisements to adopt children between October 1888 - October 1889,* (Edinburgh:1890). Given the informal and clandestine nature of these arrangements, these figures should be treated with a degree of caution. The scale of these charges is based on a document produced by the Chief Constable of Edinburgh who conducted a 12 month survey into the

The composition of the advertisement - frank in its appeal and guarded in its details - is worthy of further exploration. The most obvious omission is that the advertisement, like many of its ilk, contained no mention of a fee. Sometimes the notice would coyly suggest 'favourable terms' or 'modest premium' but in almost every case the advertiser would not accept the child unless it was accompanied by a payment. A closer reading would reveal that the woman who placed it was exercising a degree of caution: no name or address is given and the advertiser intended to collect her correspondence from the *Glasgow Herald*'s offices. In a sense, this advertisement, with its ambiguities and absences, encapsulates the curious position that women who offered childcare in exchange for money occupied during the period 1867-1908. Whilst their presence was an acknowledged facet of urban life, their actual activities and motivations remained unknown.

The opaque nature of these notices and the comparative secrecy in which these transfers of children was undertaken, did little to dampen interest in either the notices or the women who placed them. In fact these silences served to fuel speculation and allowed considerable latitude in crafting narratives around these women and their activities. In 1867, one of the earliest campaigners on the topic, the physician J. Brendan Curgenven, made the extraordinary claim that women who took in children in exchange for money murdered them at a rate of 5,000 a year, yet went undetected.[3]

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fees charged by paid-childcare providers in the city between 1888-1889 and remain the most comprehensive figures produced for a single city.

[3] J. Brendan Curgenven, *The Waste of Infant Life: Read at a meeting of the health department of the national association for the promotion of social science,* (London: 1867), p.

Whilst there was no way of verifying Curgenven's claim, nor was it possible to contradict it. Some 42 years later, the Director of the National Society for the Prevention of Cruelty to Children (hereafter, NSPCC), Robert Parr asserted:

> The trade is illicit and is carried on in the back streets of the underworld. The negotiations are effected with secrecy and often by night. Those who carry on this business have habits and methods of communications difficult to detect. Frightened mothers are their prey.[4]

These accounts also reflect the continued capacity of interested parties to graft dramatic narratives onto ambiguous and fragmentary pieces of evidence; something numerous journalists, legislators, local government officials, charity workers and physicians attempted throughout the period 1867-1908. Therefore the prime objective of this thesis is to explore the narratives deployed by individuals and organisations to shape ideas around paid-childcare.

The period covered by this thesis commenced with the earliest stirrings for regulation of women who took in children and concluded with the passage of the 1908 *Children Act*, which marks the point at which women who took in infants in exchange for money were subject to a comprehensive system of

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1. Curgenven claimed that because the birth of these children went unregistered, it was easy to dispose of their corpses.

[4] Robert Parr, *The baby farmer; an exposition and an appeal,* 2nd edn., *(*London: 1909), p. 8.

inspection.[5] Throughout this period, the topic of paid-childcare was subject to prolonged scrutiny, including newspaper exposés, sensationalised coverage of women accused of harming children in their care and sustained campaigning by bodies such as the NSPCC and the *British Medical Journal* (hereafter *BMJ*). In addition to the 1908 *Children Act,* Parliament passed two further pieces of legislation and assembled four Select Committees aimed at regulating childcare performed for money.[6]

Despite this agitation, comparatively little is known about the overwhelming majority of women who offered childcare in exchange for payment or the services they offered. All transfers away from birth parents remained an informal and private matter. Officially sanctioned adoption did not exist in England and Wales until 1926 and did not exist until 1930 in Scotland.[7] In the absence of viable alternatives for women who needed to surrender custody of their children on either a temporary or permanent basis, it is perhaps unsurprising that there was a ready market for paid-childcare

[5] *Children Act* 1908, 8 Edw. 7 c. 67.

[6] *Infant Life Protection Act,* 1872, 35 & 36 Vict c.38. ; *Infant Life Protection Act, 1897*, 60 & 61 Vict c.57 ; *Children Act* 1908, 8 Edw. 7 c .67; Select Committee on the Protection of Infant Life, July 1871, House of Commons Select Committee (hereafter, HC), No. 372, Vol. VII ; Select Committee on the Infant Life Protection Bill, August 1890, HC Select Committee, 1890, No. 346, Vol. XIII ; Select Committee on the Infant Life Protection Bill, August 1896, House of Lords Select Committee (hereafter, HL), 1896, No. 343, Vol. X ; Select Committee on Infant Life Protection, March 1908 HC Select Committee, 1908, No. 99,Vol. IX. These Acts and their accompanying Select Committees are analysed in Chapters Two and Five of this thesis.

[7] *Adoption of Children Act*,1926, 16 & 17 Geo. 5. c.29 ; *Adoption of Children (Scotland) Act,* 1930, 20 & 21 Geo. 5. c.37. For an account of the process by which adoption legislation was introduced in England see, Stephen Cretney *Law, law reform and the family,* (Oxford:1998), pp. 185-202 ; *Jenny Keating, A child for keeps: the history of adoption in England, 1918-45* (Basingstoke: 2008) pp. 11-30. The literature for Scotland is rather more scant, Lynn Abrams, *The orphan country: children of Scotland's broken homes from 1845 to the present day,* (Edinburgh:1998), pp.22-25.

providers. For women who had given birth outside of marriage, widows with dependent children or those experiencing a life-crisis such as severe illness or marital breakdown, placing their infants with another woman for a one-off or weekly payment could seem the most palatable of a limited number of options. In the face of draconian Poor Laws and oversubscribed charitable institutions, it is easy to see how paying another woman would appeal.[8] Equally, for the woman who received the child, such an arrangement presented a source of much needed income at a time when opportunities for female employment remained limited and taking in a child constituted one of the few ways of generating income within an informal economy of female labour. Ellen Ross has indicated that in the East End of London, paid-childcare was recognised as 'poor woman's occupation ... an alternative to charring or taking in washing.'[9]

Given the absence of official oversight and the comparative secrecy and casual nature of such arrangements, it is perhaps unsurprising that they

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[8] Whilst an analysis of which categories of women used the services of paid-childcare providers lies outside the scope of this thesis, it is worth noting that Poor Laws in both England and Wales, and Scotland made it very difficult for women, especially unmarried women, to claim support from the Parish for their children. In England and Wales the *Poor Law Amendment Act,* 1834, 4 & 5 Will IV.c. 76 prevented the majority of unmarried mothers from claiming outdoor relief. If possible the situation for women in Scotland was even bleaker. *Poor Law (Scotland) Act,* 1845, 8 &. 9 *Vic*. c. 83 deprived unmarried mothers of their automatic entitlement to any form of support from the parish. Philanthropic institutions were also hugely oversubscribed and tended to insist on the absolute and irrevocable separation of the mother and child, placed severe restrictions on the type of woman whose children they would accept and were primarily targeted at the children of unmarried mothers. For further details on the entrance procedures for one such institution see Ginger Frost, '"Your mother has never forgotten you": illegitimacy, motherhood, and the London Foundling Hospital, 1860-1930', *Annales De Demographie Historique,* 1:1 (2014) pp. 45-72.

[9] Ellen Ross, *Love and toil, motherhood in outcast London*, 1870-1918, (New York:1993), p.136.

have left scant historical trace. This is particularly true of arrangements which were broadly functional and mutually beneficial. These went largely unrecorded. It is worth noting that childcare performed for money pre-dates the period covered by this thesis and there is evidence, admittedly patchy, to suggest that such arrangements were in many cases unchallenged. Claire Tomalin's biography of Jane Austen revealed that Austen's mother, Cassandra, weaned Jane and her siblings at three months old and 'handed the child over to a woman in the village to be looked after for another eighteen months until it was old enough to be managed at home.'[10] Cassandra Austen's use of paid-childcare did not appear to be injurious to her off-spring and Jane and her seven siblings all survived into adulthood.[11] Nor were these arrangements confined to the upper echelons of eighteenth-century society, Elizabeth Sanderson has documented that these arrangements were used by female shopkeepers in Edinburgh who found infant care incompatible with running a business, largely without critical comment.[12] A rare dissenting voice was the author and Parliamentarian William Cobbett. Cobbett cautioned upper and middle-class parents against paying local women to look after their children during their early childhood. Cobbett condemned the practice not on the grounds that the local women paid to look after them would pose a risk to the children, but on the grounds that the children would feel rather more affection for their foster mother and

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[10] Claire Tomalin, *Jane Austin: a life,* (London:2000), p.6.

[11] *ibid.*

[12] Elizabeth C Sanderson, *Women and Work in Eighteenth Century Edinburgh, (*Basingstoke: 1996), pp. 50-57

'to love her ardently becomes part of their very nature' and relations with their birth-mother would remain 'of a cold and formal kind.'[13]

Women who offered childcare in exchange for money largely only appeared in the historical record when something went badly wrong: often as the accused in a murder trial. One such trial in 1865 proved instrumental in re-shaping attitudes to such women. At the Devon summer assizes, Charlotte Winsor, a 45 year old woman living on the outskirts of Torquay, was charged with the murder, by poisoning, of the infant Thomas Harris. Winsor was in receipt of a payment of 3 shillings a week from the child's mother, Mary Harris. Despite Miss Harris being present in the house when her child died, the prosecution successfully argued that Charlotte Winsor had acted alone and had killed the child without the connivance of Mary Harris.[14] Harris had originally been charged alongside Winsor, but at Winsor's trial Mary Harris served as the prosecution's key witness. Harris gave damning evidence that Winsor had acted alone and had administered the poison whilst Harris sat in another room.[15] Of crucial interest to the assembled newspapermen was Mary Harris's claim that Winsor had boasted about murdering many more infants in the same manner. Winsor was sentenced

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[13] William Cobbett, *Advice to young men and (incidentally) to young women in the middle and higher ranks of life in a series of letters addressed to a youth, a bachelor, a lover, a husband, a father and a citizen or a subject*, (Oxford:1980) 1st edn., 1823 p. 219.

[14] For a more detailed account of the Charlotte Winsor trial see, Mark Jackson, 'The trial of Harriet Vooght: continuity and change in the history of infanticide', in Mark Jackson (ed.) *Infanticide: historical perspectives on child murder and concealment, 1550-2000,* (Aldershot:2000), pp. 11-13. ; Judith Knelman, *Twisting in the wind: the murderess & the English Press,* (Toronto:1998), pp. 166-171.

[15][No title], *The Times,* 29 July 1865, p.12.

to hang, but had her sentence commuted to life imprisonment. In 1894 the *Western Times* reported that Winsor was 'now entering her thirtieth year of imprisonment' at the Woking Female Convict Prison.[16] Almost wholly forgotten about, the paper concluded that that 'unlike the majority of "life" convicts, it has not been seen fit by successive Home Secretaries, owing to the nature of the crime, to recommend her Majesty to exercise the prerogative of mercy.'[17] Winsor died in prison later the same year at the age of 75. Interestingly, the arrangement that Winsor and Harris had reached had not been made via the medium of the classified advertisement, nor had it occurred in an amoral and anonymous metropolis: Harris and Winsor had both belonged to a small, tightly knit, rural community. This did not appear to deter the *The Times* and shortly after Winsor's conviction, they speculated that, if Charlotte Winsor had, as Harris had accused, managed to murder in a rural backwater, the problem was likely to be far greater in Britain's urban centres, where newspaper offices and railway networks facilitated the easy and anonymous transfer of infants.[18]

There were, doubtlessly, women who were prepared to kill children in exchange for money and seven such women were executed during the period covered by this thesis.[19] Perhaps the most notorious of these was Amelia

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[16] 'The remarkable case of Charlotte Winsor', *Western Times,* 6 April 1894, p 5.

[17] *ibid.*

[18] 'Life and Trial', *The Times,* 2 August 1865, p. 6.

[19] Margaret Waters (executed 11 October 1870) , Annie Took (executed 11 August 1879) ,Jessie King (11 March 1889) , Amelia Dyer (executed 10 June 1896) Ada Chard Williams (executed 6 March 1900), Annie Waters & Amelia Sach (both executed 3 February 1903) and Rhoda Wills (executed 14 August 1907)

Dyer. A former nurse, Dyer was hanged after seven infant corpses were dredged from the River Thames in the Spring of 1896.[20] Despite the number of bodies recovered, Dyer was only convicted of one count of murder at her trial. She was described by the sentencing judge as being guilty of 'base and wicked treachery' and her defence of insanity was roundly mocked.[21] The secrecy with which Dyer had carried on her operations under the nose of the Police and the NSPCC led to outlandish speculation that she had murdered up to 400 infants, profiting from the 'one-off' fee that she had taken for each child. As the classified advertisement at the start of this chapter demonstrated, many more women who offered paid-childcare went to considerable lengths to cover their tracks. Indeed, as Chapter Four of this thesis will demonstrate, many attempted to disguise their occupation from neighbours and local authorities. In addition, any analysis of these forms of childcare must acknowledge that children looked after in exchange for money died in numbers that would be considered horrific today. [22]

Whether Dyer's murderous excesses were representative of paid-childcare as a whole is doubtful. But what is beyond doubt is that Dyer and the other six

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[20] 'Mysterious Child Murder', Leicester Chronicle and the Leicester Mercury, 11 April 1896, p.3; 'The Reading baby-farm', *Lloyd's Weekly Newspaper,* 12 April 1896, p. 11 ; 'Murdered children', *Daily News,* 13 April 1896. For a more detailed account of the Dyer case see Daniel Grey 'Discourses of Infanticide In England *1880 -1922',* pp.333-335.

[21] 'The Reading murders', *Bristol Mercury and Daily Post,* 23 May 1896, p. 8; 'Crimes and charges' *Glasgow Herald* 23 May 1896, p. 3.

[22] Harry Hendrick, *Child welfare: England 1872–1989* (London: 1994), p. 44. Hendrick asserted that 70% to 90% of infants placed into long-term paid-childcare died. This claim appears to be based on evidence offered by Ernest Hart at the 1871 Infant Life Protection Select Committee. Given that birth and death registration was poorly enforced in England during this period and that Hart had a vested interest in presenting a bleak as possible picture of the fate of the infants taken by such women, his claim should be treated with a degree of scepticism.

women who were brought to trial for murdering infants in their care found their circumstances, motivations and child-care practices subject to intense scrutiny within and beyond the courtroom, in a way that those of other women were not. This handful of trials generated rich and substantial historical records at the expense of an understanding of more functional forms of paid-childcare. This imbalance had a profound effect on understandings of paid-childcare among Victorian and Edwardian commentators and has also shaped the types of histories produced about the topic.

Paid-childcare and 'baby-farming'

As has already been discussed, the comparative silence around paid-childcare granted considerable latitude to those keen to nurture the belief that it was analogous to infant murder. Whilst the physician J. Brendan Curgenven had made the earliest attempts to alert the public and lawmakers to what he had categorised as a torrent of undetected infant death, it would take the actions of his colleague Ernest Hart to encapsulate concerns about murderous, ignorant and neglectful paid-childcare in a neat phrase and lead an organised campaign against such practices. Hart had acquired the editorship of the *BMJ* early in 1867. In September of that year, the *BMJ* carried a lengthy report of an inquest performed on the body of a child who had died whilst being looked after in exchange for a weekly payment. Whilst the inquest returned an open verdict, it was clear whom the *BMJ* deemed responsible: the paid-childcarer, Caroline Jagger, was

labelled as 'a baby-farmer.'[23] The use of this epithet to describe such women was not arbitrary. In deconstructing the term, Margaret Arnot has commented on its extraordinary metaphorical power and within this two-word phrase it is possible to read many layers of meaning. Farming is an economic activity and a particularly unsentimental one at that, involving acquiring, raising and slaughtering stock for the maximum return. The term implied that Jagger and all women like her were callously aggregating and murdering children on an almost industrial scale. Arnot has also argued that casting their childcare practice within the realms of the commercial sphere emphasised how 'they had debased into what should have been "natural" relationships between women and children.'[24] Within weeks this description had been adopted by the popular press and in press narratives the term 'baby-farmer' became one of the most readily used description for working-class women who took in children for money, carrying the implication that they too harboured homicidal intent towards the children they took in.[25] The use of the term received a further fillip with the 1870

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[23] 'Baby-farming', *BMJ,* 19 October 1867, p. 343. Whilst Hart appears to be the first person to apply the epithet 'baby-farmer' to women who offered childcare in exchange for money, the term had been used in an unrelated context during the 1840s to describe private residential schools used by Poor Law unions paid to accommodate pauper children. The most well-known of these original 'baby-farms' had been run by Bartholomew Drouet and by 1849 his 'baby-farm' in Tooting accommodated over a thousand, mostly older children, from various Poor Law unions. Early in 1849 the school became notorious when a cholera outbreak caused the death of 180 children. Drouet was charged with manslaughter and his actions roundly condemned in a series of articles written by Charles Dickens in the *Examiner*. The lengthiest of which was 'The Paradise at Tooting' *Examiner* 20 January 1849, p. 7.

[24] Margaret Arnot, 'Infant Death, Childcare and the State: the Baby-Farming Scandal and the first Infant Protection Legislation of 1872', *Continuity and Change,* 9:2 (1994), p. 282.

[25] Some of the earliest references to 'baby-farming' can be found in 'Baby-farming', *Berrow's Worcester Journal,* 14 December 1867, p. 6 ; 'Baby farming in Berkshire', *Liverpool Mercury,* 24 December 1867, p. 8.

conviction of Margaret Waters, the so called 'Brixton baby farmer.'[26] As Chapters Two and Three will explore, the representation of paid-childcare providers as avaricious 'baby-farmers' formed the basis of Hart's five year campaign that led to the passage of the 1872 *Infant Life Protection Act*, which required women who took in more than one child under the age of 12 months to register with a local magistrate.[27]

Writing about paid-childcare

Whilst Chapter One will analyse in greater depth the wider body of literature relevant to this thesis, it is worth noting that literature on this matter is limited in both scope and scale. This is somewhat surprising given the intense focus placed on childcare performed for money during the period 1867-1908 and the searching questions the topic raises over issues of gender, childhood, deviance and the relationship between the state and its citizenry at a period when these topics were subject to profound scrutiny. The limited scholarship that does exist has largely focused on the seven women accused of killing children they were paid to look after. This approach has largely treated paid-childcare as an adjunct to histories of infanticide.[28] As a result, the focus on the excesses of a handful of

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[26] The Waters case is explored in greater depth in Chapter Two of this thesis. Like the Winsor case, the evidence was ambiguous. Ruth Homrighaus 'Baby Farming: The care of illegitimate children in England, 1860-1943' Unpublished PhD thesis, (University of North Carolina at Chapel Hill, 2003) p.54 asserted that 'It is doubtful that Waters deliberately set out to destroy the children she adopted. She had no premeditated strategy for profiting from infant death.'

[27] *Infant Life Protection Act* 1872, 35 & 36 Vict. c.38.

[28] See Chapter One for further details of infanticide scholarship.

murderous paid-childcare providers has inadvertently served to re-enforce the notion that paid-childcare during this period was reducible to infant murder performed for money.

Ruth Homrighaus's PhD thesis constitutes the only full-length study to treat paid-childcare as an autonomous cultural practice. As well as considering paid-childcare providers convicted of murder, Homrighaus also attempted to explore what she described as 'non-criminal baby-farming.'[29] Whilst Homrighaus's work undoubtedly makes a valuable contribution in broadening the scope of research, her conceptual approach to the topic is not without problems. As Chapter One will explore in more depth, the division Homrighaus constructs between 'criminal' and 'honest baby-farmers' is artificial and misleading, especially as the term 'baby-farming' does not relate to a specific offence or a single childrearing practice. In addition, Homrighaus's attempt to explore functional forms of paid-childcare undertaken by 'honest baby-farmers' appears hampered by a lack of reliable sources. This raises questions over whether it is either possible or desirable to undertake a sustained empirical study of everyday paid-childcare practices. Whilst this thesis shares with Homrighaus's work a desire to explore accounts beyond women accused of murdering children they were paid to look after, it is clear that an alternative methodological approach is needed to accomplish this aim. In particular, Homrighaus's work raises important questions over whether the term 'baby-farmer' remains a useful

[29] Ruth Homrighaus, 'Baby farming', *passim*.

analytical term in exploring a wide range of childcare practices performed in exchange for payment.

Paid-childcare: other narrators, other stories

It should be remembered that whilst the narrative trope of representing the wholly legal activity of taking a child into one's home as criminal or even homicidal proved to be an enduring one, it was by no means the only one. Throughout the period covered by this thesis, counter-narratives were constructed using the same ambiguous evidence provided by coyly worded classified advertisements and the high death-rate of infants looked after in exchange for money. Women's rights campaigners, local government officials and paid-childcare providers themselves gave accounts that were not predicated on the notion that infant murder was the inevitable by-product of childcare performed for money. As this thesis will seek to demonstrate, the representation of pecuniary childcare as 'baby-farming' was challenged throughout the period covered by the thesis and had started to lose its explanatory power by the early years of the twentieth century. It should be remembered that secrecy around the transfer of infants away from their birth parents is not unique to the period under consideration in this thesis. Jenny Keating has argued that secrecy and fudging of a child's origins remained the dominant feature of adoptions well into the twentieth century.[30] Nor is the high death rate of infants looked after in exchange for

[30] Jenny Keating, *A child for keeps: the history of adoption in England, 1918-45* (Basingstoke: 2008), p. 5

money quite the damming piece of evidence that it appears to be at first glance. Research by Valerie Fildes into infant mortality rates in the early years of the twentieth century has indicated that 'the single most important factor' in determining the survival chances of an infant was whether the child was breast-fed for the first six weeks of its life.[31] Given that infants were often transferred shortly after birth, at a time when safe and affordable breast milk substitutes were not available, it is not surprising that such children's lives were imperilled. As a consequence, other narrators attempt to use the same fragments of evidence to construct representations of paid-childcare that cast its practitioners as providing a useful social and economic function, as loving foster parents or as competent childcare professionals. In this context the emaciated corpse of a child could be used to construct a narrative of a woman who had taken in a child intending to do the best she could for it, only to be thwarted by poverty and the vulnerability of these infants, just as easily as one based on a policy of deliberate starvation in order to maximise her returns.

In this thesis the term 'baby-farmer' will be considered as one possible representation - albeit a persistent and popular one - of informal patterns of childcare performed for money, rather than a category of analysis in its own right. As this thesis will explore, the use of this term did not go uncontested

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[31] Valerie Fildes, 'Infant feeding practices and infant mortality in England, 1900–1919' *Continuity and Change*, 13 (1998), p. 252. For a quantitative study of infant mortality caused by the consumption of cow's milk by infants, see Arthur Newsholme *Domestic infection in relation to epidemic diarrhoea* (London: 1906) Newsholme's work suggested that of children who had died of epidemic diarrhoea in Brighton between 1903-05, 89% had been hand fed.

and a number of other representations of women who took in children for money existed simultaneously. Instead, the thesis will use the deliberately anachronistic term 'paid-childcare' to encompass the full range of non-institutional childcare practices performed for money outside of the birth parents' home. This corresponds to the definition given in the 1872 and 1897 Infant Life Protection Acts, which defined paid-childcare as the act of 'retaining or receiving for hire or reward [an infant] for the purpose of nursing or maintaining such infants apart from their parents.'[32] Such a definition includes both short and long term arrangements arranged for either an ongoing weekly or lump-sum fee. However, such a definition does not encompass domestic servants employed to provide childcare within their employer's home, charitable institutions or the practice of day minding, topics which all warrant further investigation in their own right. Chapter Two of this thesis will explore how this comparatively narrow definition of paid-childcare came into being.[33]

This thesis is explicitly orientated towards the representation of childcare, it consciously avoids quantifying the level and efficacy of paid-childcare in Britain between 1867-1908. As has already been emphasised in this

[32] *Infant Life Protection Act* 1897, 60 & 61 Vict c.57, cl. 2.

[33] Marissa Rhodes has claimed that the practice of wet nursing became respectable in the 1780s when the wet nurse started to perform her labours within the family home as a 'live-in' domestic servant. See, Marissa C. Rhodes, 'Domestic Vulnerabilities: reading families and bodies into eighteenth-century Anglo-Atlantic wet nurse advertisements', *Journal of Family History,* 40:1 (2015) pp 39-63. The topic of 'day minding' appears to suffer from the same difficulties as an analysis of everyday paid-childcare and only limited work has been done on this topic, amongst them are Melanie Reynolds, 'Brutal and negligent? '19th century factory mothers and childcare', *Community Practitioner,* 84:10 (2011), pp.31-33.

introduction the clandestine nature of these practices would render such an attempt unfeasible. In addition, this thesis does not seek to explore the individual motivations and circumstances of women who took in children or the circumstances of those who surrendered them. It also avoids making value judgements on whether individual childcare providers offered adequate care to their children, but will instead attempt to explore how their practices were represented and contested. As a consequence, this thesis will not offer an in-depth analysis of the already comparatively well-known and well-analysed cases where paid-childcare providers were tried and convicted of murder. Instead, it will consider the impact of these cases in re-shaping narratives around the wider topic of paid-childcare.

Sources and Structure

Whilst this thesis has a broad chronological trajectory - Chapter Two explores the development of the infant life protection movement during the earliest years of this thesis and Chapter Five concludes with an analysis of the 1908 *Children Act* - the chapters are arranged thematically, exploring how different social actors created narratives around paid-childcare in different times and different places and, inevitably, the time frames of these enquiries overlap. The theoretical approach adopted in this thesis is also reflected in the broad and eclectic range of source material. Chapter One will consider in more depth the existing secondary literature and will argue

that in approaching the sources in a new spirit, a wider range of scholarship needs to be considered.

Chapter Two of this thesis examines the growth of the infant life protection movement in the earliest years covered by this study and the first attempt to subject paid-childcare to scrutiny. Instead of examining the legislative outcome and assessing the merits of the two acts as tools for preventing infant abuse and neglect, it focuses upon the Select Committee reports and their accompanying minutes of evidence. These rich and under-used sources are utilised to explore how committee members attempted to make sense of the cacophony of voices that appeared before them, voices seeking to influence perceptions of paid-childcare and offer solutions. The use of Select Committee material will be supplemented by news reports, campaigning literature and accounts from *Hansard* and literature produced by campaigning bodies. This approach allows a more rounded view of attempts to legislate against paid-childcare providers. In particular, this chapter argues that the much derided 1872 *Infant Life Protection Act* was a rational attempt to wrestle with a complex problem and accommodate a bewildering variety of narrators. The chapter will give due consideration to how legislators tried to balance the perceived need to act, against concerns that such measures were incompatible with traditions of Victorian and Edwardian liberalism.

A number of the characters who appear as witnesses in Chapter Two also emerge in Chapter Three, albeit with a very different focus. The third chapter explores how, almost exclusively, male middle-class writers represented their encounters with women engaged in paid-childcare and presented them as ostensibly factual accounts. As this chapter will consider, these narratives played a significant role in shaping conversations around paid-childcare during the first half of the period covered by this thesis. Particular focus is placed on the widespread practice of writers representing themselves as 'baby-farming detectives.' The chapter will use purportedly factual accounts of encounters with paid-childcare providers to consider how writers actively crafted and performed this role. It argues that their ostensibly factual reports were so heavily influenced by the conventions of detective fiction, that they are more productively thought of as a blend of reality and fantasy. The chapter considers the historical and literary heritage that informed the creation of the 'baby-farming detective.' Additionally it will consider the possibilities and limitations of representing their work in these terms.

Chapter Four will critically interrogate the notion that the mere act of subjecting childcare to a cash nexus led to universal condemnation. This chapter will draw upon hitherto unexamined court papers from trials of women who made their living offering childcare. As already explained, this chapter will avoid focusing on widely analysed high profile murder cases and will focus on cases where ambiguities of motive, cause of death and the quality of care provided, led to a moral drama being played out in the court.

It will give the opportunity to consider how dominant meanings were contested and refined within the courtroom setting. In addition, a close reading of court papers will provide access to marginalised social actors whose testimonies do not exist in any other form. In examining how the accused conducted their defence and attempted to craft a narrative around their own childcare practices. It will also explore how community figures and medical officials either corroborated or contradicted their accounts. Similarly to Chapter Three it will explore how court statements were shaped by existing narratives, in particular the literary genre of melodrama.

Chapter Five, like Chapter Three, explores the way in which largely gendered and, almost overwhelmingly, middle class groups represented their direct encounters with paid-childcare. Whilst amateur investigators prevailed in the 1860s and 1870s, this chapter argues that a decisive shift occurred in the representation of paid-childcare when largely female welfare officers began to shape these narratives from the 1890s onwards. By using hitherto unanalysed Poor Law union records, inspectors' notebooks, newspaper reports and 1908 Select Committee evidence, this chapter will argue that the claims to knowledge generated by these inspectors was of a distinct type. It claims that whilst the male baby-farming detectives of Chapter Three created a discourse about the criminality of 'baby-farmers,' Infant Life Protection Officers presented the 'problem' of paid-childcare as essentially an administrative one. Whilst acknowledging that their depictions of paid-childcare were just as partial and incomplete as those offered by baby-farming detectives in Chapter Four, it will assert that the

intervention of Infant Life Protection Officers disrupted stable narratives about the 'evils' of paid-childcare and a catastrophic loss of infant life.

1.

Problematizing Paid-childcare

Introduction

As has been discussed in the previous chapter, accounts of paid-childcare have largely focused on its most problematic practitioners. This has led to a comparatively narrow body of research which has linked the 'problem' of paid-childcare to the topic of infanticide.[34] This chapter aims to appraise existing bodies of literature that have considered paid-childcare - notably histories of infanticide and histories of child welfare - and explore the utility of these approaches. It will also foreground a number of key arguments and themes that reoccur throughout the thesis. It will suggest a different methodology and an alternative historiography more appropriate to a study orientated towards exploring the multitude of ways in which childcare performed for money was represented. Finally it will explore the impact of this new historiography on the direction of the thesis and the construction of coherent research questions.

Paid-childcare and infanticide

As has already been noted, the historiography of paid-childcare is deeply entwined with that of infant murder and this impression has filtered through to popular representations of its practitioners. Despite the central

[34] Unless specified, the term infanticide is used to refer to the murder of a child under the age of 12 months, regardless of the perpetrator. This is distinct from the legal definition of Infanticide under English law, introduced by the *Infanticide Act,* 1922 12 & 13 Geo. 5 c.18, which refers to the murder of a child by its mother within the first 12 months of its life. For further information, see Daniel Grey, 'Women's policy networks and the Infanticide Act 1922' *Twentieth Century British History,* 21:4, (2010) pp. 441-463.

place that these narratives occupied in the late nineteenth and early twentieth century imagination, there is comparatively little known about how informal patterns of paid-childcare functioned or how they were perceived by the wider communities in which they operated. Popular representations of women paid to look after children have done little more than conflate them with those responsible for wanton and deliberate child-murder. George Moore's 1894 novel *Esther Waters* contains a memorable account of the titular character handing her infant son over to Mrs Spires along with a payment of 6 shillings a week, whilst Waters returns to her employment in domestic service. Upon concluding the transaction, Mrs Spires coolly suggests, that she could murder Esther Waters' newborn son, Jack, in exchange for a one off payment of £5.[35]

The portrayal of Mrs. Spires as a grotesque, amoral woman, who would murder infants in exchange for money without the slightest pang of conscience, would be readily recognised as an archetype of these women by the novel's late Victorian readership. It would appear that even 120 years after the publication of *Esther Waters,* popular representations of childcare performed for money have not altered significantly. The archetypical provider of paid-childcare in the period covered by this thesis remains Amelia Dyer, notorious as the so called 'Reading baby-farmer.' A minor cottage industry has developed around Dyer and her crimes and she is seen as emblematic of a group of women who performed childcare in exchange for

[35] George Moore, *Esther Waters: a novel,* (London:1894), p. 127.

money during the late nineteenth and early twentieth centuries. Until the 1970s, a wax effigy of Dyer featured in Madame Tussaud's Chamber of Horrors and whilst her effigy is long gone, Dyer has remained firmly in the spotlight. In recent years an ITV documentary narrated by the crime writer Martina Cole, a 'true crime' biography and a *Daily Mail* feature article have all appeared.[36] What has united all of these accounts is that they have displayed a marked reluctance to consider the economic and social context in which Dyer's crimes took place, or question how typical Dyer was of paid-childcarers of the period. The *Daily Mail* was seemingly content to attribute Dyer's crimes to the fact that she was 'chillingly evil.'[37]

It would appear that some of the earliest academic accounts of paid-childcare provision have displayed a similar reluctance to deal with the subtleties and conceptual difficulties inherent in such accounts. Ivy Pinchbeck and Margaret Hewitt's otherwise exhaustive two volume history of child welfare in England dismissed 'baby-farming' in a few lines as an obscure subcategory of infanticide, 'in which the infant soon languished and died.'[38] On first glance such an association would appear to be logical. Ann Higginbotham claimed that so called 'baby-farming' and neo-natal infanticide served as a substitute for the wider and seemingly intractable

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[36] 'Amelia Dyer', *Martina Cole's ladykillers*, ITV 20 October 2008 ; Alison Rattle & Allison Vale, *Amelia Dyer - angelmaker the woman who murdered babies for money,* (London: 2007) ; 'The baby butcher: one of Victorian Britain's most evil murderers exposed', *Daily Mail,* 28 September 2007, p.18.

[37] The baby butcher: one of Victorian Britain's most evil murderers exposed', *Daily Mail,* 28 September 2007, p.18.

[38] Ivy Pinchbeck and Margaret Hewitt, *Children in English Society from the Eighteenth Century to the Children Act 1948,* Vol. II, (Toronto:1973), p. 597.

problem of illegitimate birth. Whilst an exhaustive study of birth outside marriage lies beyond the bounds of this thesis, it is worth noting that the percentage of births outside marriage peaked at 7% at the mid-point of the nineteenth century and were in decline during the period covered by this thesis.[39] Nevertheless despite this decline in extra-nuptial birth, unmarried mothers were subject to sustained moral scrutiny and potential means of support were severely restricted.[40] Recognizing this, Higginbotham has cast both infanticide and so-called 'baby-farming' as being techniques by which women 'rid themselves of unwanted babies' at a time when legal options for doing so were scarce.[41] Lionel Rose also suggested a close relationship between infanticide and paid-childcare in his deeply problematic book *Massacre of the innocents.*[42] That Rose's work has continued to be widely cited is a reflection of the paucity of alternative secondary sources relating to paid-childcare in late nineteenth-century Britain rather than its

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[39] Alysa Levene *et al,* 'Introduction', in Alysa Levene *et al* (eds.), *Illegitimacy in Britain 1700 - 1920,* (Basingstoke: 2005). It is worth noting that this figure is based on baptismal records and Levene asserted that they may underestimate the true rate of birth outside marriage. This trend masked startling regional and class variations. In relation to Scotland, see Andrew Blaikie, 'Migration, living strategies and illegitimate childbearing: a comparison of two Scottish settings' in *ibid.* pp. 141-168.

[40] For further information see, Lisa Foreman Cody, 'The politics of illegitimacy in the age of reform', *Journal of Women's History* 11:4 (2000), pp. 131-156. For a more detailed analysis of Poor Law reform in England see, Thomas Nutt, 'Illegitimacy, paternal financial responsibility, and the 1834 Poor Law Commission Report: the myth of the old Poor Law and the making of the new', *Economic History Review,* 63:2 (2010), pp. 335–361. For contextual information on Scotland, see Helen McDonald, 'Boarding-out and the Scottish Poor Law, 1845-1914', *Scottish Historical Review*, 75:2 (1996), pp. 197-220.

[41] Ann R Higginbotham, 'Sin of the age: infanticide and illegitimacy in Victorian London', in Kristine Ottesen Garrigan (ed.), *Victorian scandals: representations of gender and class* (Athens: 1992) p. 260.

[42] Lionel Rose, *Massacre of the Innocents: infanticide in Britain 1800-1939,* (London: 1986). Questions have also been raised about Rose's work in *Massacre of the Innocents* by Julie-Marie Strange, *Death, Grief and Poverty in Britain, 1870-1914* (Cambridge:2005) p. 231 and Daniel Grey, 'Discourses of infanticide', p.14.

analytical sophistication. Rose posited a crude 'supply and demand' model of infant birth and death, identifying the impulse of mothers to murder 'surplus' infants at times of scarcity as a 'biological necessity' and as evidence that 'beneath the ethical veneer of his civilisation, Man's real behaviour pattern is dominated by the fundamental law of nature.'[43] Despite its crude biological determinism, Rose's work was amongst the earliest accounts to draw a distinction between the treatment afforded to women who killed their own children and those who killed children they were paid to look after. Rose asserted that whereas nineteenth-century juries had a 'notorious aversion to convicting mothers' of the murder of their own infants and such women could often rely on a sympathetic hearing, paid-childcare providers were left to face the full force of judicial disapproval.[44] It is striking to note that throughout the period covered by this thesis, no woman convicted of murdering her own child was hanged, whereas in all but one case, every woman convicted of murdering a child she was paid to look after was executed.[45]

This sharp divergence in the treatment meted out to women who killed their own children and to those who killed other people's children has been noted by other scholars and analysed in a far more satisfactory manner. In

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[43] Lionel Rose, *The massacre of the innocents*, p.187.

[44] Lionel Rose, *The massacre of the innocents,* p. 263. The notion that such women accused of murdering their own children could rely on a sympathetic hearing in both newspapers and the court is expressed in Lucia Zedner, *Women, Crime and Custody in Victorian England* Oxford:1991), pp. 27-31, Barry Godfrey *et al, Criminal Lives: Family, Employment and Offending* (Oxford:2007), p. 21.

[45] George K Behlmer, 'Deadly motherhood: infanticide and medical opinion in mid-Victorian England', *Journal of the history of medicine and allied sciences* 34:4 (1979), p. 412.

particular, Mark Jackson's treatment of the Charlotte Winsor case is rather more illuminating. Jackson noted that the conviction of the middle-aged Winsor reflected prevailing notions about childcare performed for money and 'the financial and moral, vulnerability of young domestic servants' rather than the evidence before the jury.[46] By contrast Mary Harris, had a far better motivation for killing her child: it was proving a drain on her resources and the child's father had recently stopped contributing to the child's upkeep, whereas it was in 'Winsor's financial interest that the child should live.'[47] However, Harris was able to present a testimony to the court in which she, as a naïve and unworldly woman, was abandoned by her paramour and taken advantage of by an older and avaricious woman. This was illustrative of a wider trend of treating women accused of murdering their own children with a considerable sympathy and judicial leniency. Lynn Abrams has argued that women who killed their own children were not seen as 'cold blooded murderesses.'[48] Instead, their actions were cast as the actions of women attempting to 'conform to the ideal of the virtuous woman, the persistent denial of the condition and the secrecy and silence in which they gave birth'.[49] In doing so they demonstrated that they had absorbed the norms of nineteenth century femininity and acknowledged the shame of their own condition. As such, 'they were treated as victims of

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[46] *ibid.*

[47] Mark Jackson, 'The trial of Harriet Vooght', p.13.

[48] Lynn Abrams, 'From demon to victim the infanticidal mother in Shetland', in Yvonne Galloway Brown and Rona Ferguson (eds.) *Twisted sisters; women, crime and deviance in Scotland since 1400* (East Linton: 2002) p. 199.

[49] *ibid.*

circumstances.'[50] Anette Ballinger's study of women executed during the twentieth century demonstrated that whilst in general women sentenced to death were more likely to have their sentence commuted to life imprisonment, but no such mercy was demonstrated to women convicted of killing children they were paid to look after. In the course of the twentieth century five women were executed for child murder. Four of them 'had in common their means of livelihood, so called 'baby-farming.'[51] Ballinger argued that these women 'failed to conform to acceptable standards of female behaviour and conduct in almost every respect' by not only murdering children, but also having taken money for doing so.[52] Ballinger has asserted that the commercial dimension to this arrangement overrode any uneasiness the state might have about executing women.

Daniel Grey's PhD thesis adopted a similar approach and arguably contained the most systematic attempt to explore the discourses used to depict women who had murdered other people's infants. In a thesis which draws on analysis of court records relating to the cases of women convicted of killing infants between 1880-1922, Grey devoted a chapter to the treatment of so called 'baby-farmers.' He has asserted that 'the sympathy of the court relied on *biological* ideas of motherhood' and, as such, women in whose care children had died were more likely to be represented as greedy,

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[50] *ibid.*

[51] Anette Ballinger, *Dead woman walking: executed women in England and Wales 1900-1955* (Aldershot: 2000), p. 65. The cases discussed by Ballinger are, Ada Chard Williams (executed 1900), Amelia Sach and Annie Waters (both executed 1903) and Rhoda Willis (executed 1907)

[52] *ibid.*, p. 93.

avaricious and 'unnatural' monsters who had killed for profit.[53] In particular, Grey has explored the legal, medical, social and financial circumstances that led to Dyer taking in children for a one-off fee and then ending their lives. Grey claimed that 'by the time she [Dyer] came to the Old Bailey, if not before, despite a long history of mental instability and several spells in an asylum ... it was all but impossible for Dyer to receive a fair trial.'[54] Work undertaken by scholars such as Jackson, Grey and Ballinger has been vital in placing women such as Dyer and Winsor into a wider context of infant murder and representations of female offenders.[55] In the context of their research into infanticide, a focus on women convicted of murdering infants they were paid to look after is wholly understandable. Indeed, incorporating so-called 'baby-farmers' into their accounts has lent their work a depth and nuance that was not present in earlier accounts. However it should be remembered that this cannot be the whole story. The handful of women executed for murdering a child they were paid to look after constituted a tiny fraction of the total number of women who took children into their care in the period between 1867-1908. There remains a raft of unanswered questions about the majority of women who provided

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[53] Daniel Grey, 'Discourses of infanticide', p.334.

[54] *ibid.*

[55] For an exploration around the complex ideas around gender, offending and the representation of female criminals see, Lucia Zedner, *Women, crime and custody in Victorian England* (Oxford:1991) ; Shani D'Cruze & Louise A. Jackson, *Women, crime and justice in England since 1660* (London: 2009) Yvonne Galloway Brown & Rona Ferguson (eds.,) *Twisted Sisters: Women, Crime and Deviance in Scotland since 1400*. (East Lothian: 2002).

informal pecuniary paid-childcare and why this wider body of women were subject to scrutiny and regulation in the period covered by this thesis.

Regulating paid-childcare.

Scholars of child-welfare legislation have also turned their attention to paid-childcare and the manner in which paid-childcare was increasingly subject to state intervention from the middle of the nineteenth century onwards. These largely top-down accounts have attempted to consider the manner in which legislative measures reflected a wider child-welfare agenda and shifting conceptions of childhood. As the Introduction to this thesis has emphasised, the emergence of classified advertisements may have alerted commentators to the existence of women willing to take children into their homes in exchange for payment, but it cannot explain the sustained anxiety and debate around this topic.

Roger Cooter has asserted that the late nineteenth and early twentieth centuries saw a significant shift in the meanings attached to childhood as 'for the first time, the majority of children came to be appropriated into a neo-romantic ideal of childhood.'[56] This idealized view of childhood, defined by Cooter as a 'period of parental dependence [accompanied by] economic and sexual inactivity', had previously been the preserve of children of the elite but was now gradually extended to all children and was increasingly

[56] Roger Cooter, 'Introduction', in Roger Cooter (ed.) *In the name of the child: health and welfare 1880-1940* (London:1992) p.4. . The centrality of this period in the development of the notion of childhood is by no means universally accepted. Lawrence Stone, *The family, sex and marriage in England* 1500-1914 (London;1977) ; Michael Anderson, *Approaches to the history of the western family 1500-1914* (London:1980) both identify the early modern period as important in the development of the concept of childhood.

backed by direct intervention by the state and its agents.[57] This had the effect of fundamentally re-drawing the relationship between the state, children and the adults responsible for their upbringing, and the state was increasingly willing to frame this new conception of childhood in legislative terms and to apply sanctions to those who imperilled this new 'right' to childhood.

Harry Hendrick has attempted to chart the manner in which this authority was asserted. Hendrick divided child welfare interventions into two broad epochs. In the period 1833-1872, he argued, interventions were largely focused on overt examples of child cruelty and restricting the labour of children in industrial settings. By contrast, the post-1872 period was characterised by a more generalised set of anxieties about the moral and physical fitness of the next generation of children.[58] Hendrick asserted that these concerns became increasingly acute after the Second Boer War of 1899-1902 revealed the poor physical condition of Army recruits. Within a decade 'social policy moved from a concern and rescue of children to a consciously designed pursuit of the national interest.'[59] Anna Davin has

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[57] *ibid.*

[58] See also, Hugh Cunningham, *Children and childhood in western society since 1500,* 2nd edn., (Harlow: 2005), pp. 5-17 ; Sally Shuttleworth, 'Victorian Childhood', *Journal of Victorian Culture,* 9:1, (2004), pp. 107 - 113. For an empirical exploration of how this shift played out in a single locale, see Harry Ferguson, 'Cleveland in history: the abused child and child protection 1880 - 1914' in Roger Cooter (ed.), *In the name of the child: health and welfare 1880 - 1940,* (London:1992), pp. 147-166.

[59] Harry Hendrick, *Child welfare,* p. 41. This observation builds on pioneering scholarship in the late 1970s that identified post Boer War anxieties around the future stock of the British 'race' as being important in causing profound shifts in the public discussions around children and childhood. See, Anna Davin, 'Imperialism and Motherhood', *History Workshop,* 5 (1978), pp. 9-65 ; Carol Dyhouse, Working-class mothers and infant mortality in England 1895-1914, Journal of Social history, 12:2 (1978), pp. 248-266.

asserted that this shift was reinforced by a proliferation of professional experts in childhood, including health visitors, school medical officers, professional midwives and public health officials, all of whom 'pontificated about proper practice in childcare.'[60] The shift towards a child welfare policy which was focused on 'all-round efficiency, public health, education, racial hygiene, responsible parenthood and social purity' came, Hendrick claimed, at a cost. The cumulative effect of these interventions was to weaken parental autonomy.[61] George Behlmer, writing from a similar perspective to Hendrick, argued that the price to be paid was increasing restrictions on parental authority and an 'invasion of the working class home' by state officials and restriction on parental autonomy, justified in the interests of the child.[62]

This restriction of personal autonomy included legislation aimed at limiting the previously unfettered right to take in children in exchange for payment. It is important to remember that at the beginning of the period covered by this thesis, childcare performed for money went wholly unregulated, but legislation enacted in 1872, 1897 and 1908 extended the state's right to intervene in what had previously been a wholly private affair. The content and context of this legislation will be explored in more depth in Chapters Two and Five. At this stage it is important to note that by 1908, all women who took children under seven into their home for money were subject to

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[60] Anna Davin, *Growing up poor; home school and street 1870 -1914,* (London:1996), p. 3.

[61] Harry Hendrick, *Child Welfare*, p. 44.

[62] George K. Behlmer, *Friends of the family: the English home and its guardians 1850 - 1940,* (Stanford :1998), p. 195.

registration and inspection. The *1872 Infant Life Protection Act* required women who took in more than one child aged less than 12 months for a period longer than 24 hours to register with a local Magistrate (or Sheriff in Scotland).[63] The *1897 Infant Life Protection Act* strengthened the provisions of the 1872 legislation by extending its protection to children under the age of 5 and requiring local authorities to appoint an inspector to ensure that the terms of the Act were being fulfilled.[64] Despite this, the 1897 Act did nothing to tackle the exemption enjoyed by those who took in one child at a time and it was not until the passage of the *1908 Children Act* that this was addressed. The Infant Life Protection clauses in the *1908 Children Act* also removed the exemption enjoyed by charities that placed children in private homes in exchange for a fee.[65]

Hendrick was scathing about the efficacy of the 1872 and 1897 Acts. He has described both measures as failures 'in both conception and practice' hastily introduced in the aftermath of the Waters and Dyer cases respectively.[66] Whilst condemning both measures as ill-thought out and panic-driven, Hendrick, along with Behlmer, have cast the 1872 Act in particular as having immense symbolic importance. Hendrick has asserted that this measure marks something of a turning point in histories of child welfare legislation between a model based on restricting children's participation in

[63] *Infant Life Protection Act,* 1872, 35 & 36 Vict c.38. The Sheriff Court provided a local court service in Scotland. The courts were overseen by a Sheriff who possessed similar power to a Stipendiary Magistrate in England and Wales.

[64] *Infant Life Protection Act, 1897*, 60 & 61 Vict c.57.

[65] *Children Act* 1908, 8 Edw. 7 c .67.

[66] Harry Hendrick, *Child welfare,* p. 46.

dangerous occupations towards one in which children possessed rights independent of their parents and the state had a moral duty to intervene to ensure their continued physical and moral wellbeing. The targeting of infants looked after away from their parents and in exchange for money by children's rights campaigners was significant as, it negated any debate about the limits of parental authority.[67] As Chapter Two will explore, advocates of legislation repeatedly represented paid-childcare providers as being engaged in a dangerous trade and constructing a campaign around the restriction of a 'trade' was a far easier proposition than an outright attack on the issue of parental authority. Behlmer cast the agitation around paid-childcare as a 'halting first step', which gave campaigners a position from which they could establish their belief that the government's authority did not stop at the door of the private home. [68] Hendrick asserted that the *1908 Children Act* - which marks the end of the era that this thesis considers - was the point in which 'the Englishman's castle was breached' and the concept of absolute dominion over the private home was successfully challenged. [69]

This thesis does not dispute the narrative presented by Hendrick and Behlmer and acknowledges the value in establishing the wider context in

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[67] Lydia Murdoch, *Imagined orphans: poor families, child welfare and contested citizenship in London,* (New Brunswick: 2006). Murdoch advances the same argument in relation to Barnardos 'philanthropic rescue' attempts, that by falsely representing his charges as orphans, Barnardo was able to side step debates about parental authority.

[68] George K. Behlmer, Child Abuse and moral reform in England 1870 -1908,(Stanford: 1982), p. 19.

[69] Harry Hendrick *Child welfare* p. 49.

which the legislation was introduced, but it should be remembered that Hendrick and Behlmer are essentially offering administrative histories, rather than an account of how these pieces of legislation were implemented, received and contested at the local level.[70] It may also be felt that in their attempt to portray the 1872 Act as what Behlmer described as a 'halting first step' to a comprehensive programme of child-welfare legislation, they underplay the discontinuities between the regulation of paid-childcare and legislation aimed at abusive or neglectful parents.[71]

Paid-childcare and local communities

Whilst childcare performed for money was subject to increasingly stringent legislation across the period covered by this thesis, it is less clear how this legislation was implemented at a local level, let alone how the practice of taking in children in exchange for money was perceived at the community level. This shortcoming was pinpointed by Ruth Homrighaus in her unpublished PhD thesis. Homrighaus asserted that whilst 'we know how men and women from privileged socioeconomic groups felt about baby farming, we do not know how baby farmers ... perceived themselves, or how they fitted into their communities.'[72] Homrighaus's work serves as an important reminder that the term 'baby-farmer' was applied to a wide range of women, but her analysis is not without problems. In particular her

[70] Bruce Bellingham makes a similar point in relation to the historiography of child welfare legislation in the US. See, Bruce Bellingham, 'Waifs and strays: child abandonment, foster care and families in mid-nineteenth century New York', in Peter Mandler (ed.) *The uses of charity: the poor in relief in the nineteenth century metropolis* (Philadelphia, 1990) p. 124

[71] George K. Behlmer, *Friends of the Family,* p. 52.

[72] Ruth Homrighaus, 'Baby farming', p. 8.

account is hampered by a clumsy and somewhat artificial distinction between honest and criminal 'baby-farmers.' As has already been mentioned in the Introduction to this thesis, Homrighaus is held back by limited sources and her conclusions, perhaps inevitably, have a tentative quality and it is notable that her reading of community based paid-childcare is far stronger for the period after the 1908 Children Act for which more extensive records compiled by London County Council officials exist.[73] As such, we must treat with a degree of caution Homrighaus's conclusion that between the period 1867-1908 communities were prepared to turn a blind eye to paid-childcare and would 'rent lodgings to baby-farmers and conduct business with them' but would apply often violent reprisals against women who 'flagrantly abused a baby'.[74]

Ellen Ross makes passing mention of childcare performed for money in her groundbreaking *Love and Toil* as part of a wider argument about the social construction of motherhood in East London. Ross has argued that an arrangement predicated on payment did not preclude an affective relationship developing. Ross posited that childcare performed for money was integrated into a network of 'non-family help, paid and unpaid.'[75] Ross's passing mention of childcare performed for money, but based on an ongoing loving relationship with the child, hints of the possibility of a more inclusive history of childcare and serves to illustrate how little attention has been

[73] *ibid.* pp.191-251.

[74] *ibid*, p 181.

[75] Ellen Ross, *Love and toil,* p.181.

devoted to the transfer of children away from their parents before formal adoption legislation was introduced in the inter-war period. Aside from the briefest of considerations in Jenny Keating's *A child for keeps,* accounts of adoption have not considered paid-childcare as an important precursor to state mandated arrangements. Of the other significant works that deal with the transfer of children before the legalisation of adoption, Pamela Walker has conducted a case study of a middle-class philanthropic adoption practices, whereas Deborah Cohen has explored the immediate aftermath of the First World War.[76]

Perhaps the most comprehensive and successful attempt to explore paid-childcare performed at a community level is Shurlee Swain's exploration of Melbourne. Swain has taken advantage of the well preserved records of Melbourne's largest maternity hospital along with coroner's inquest records pertaining to cases of children looked after for money and discovered that the premises' of paid-childcare providers, abortionists and unqualified midwives were tightly clustered around the hospital and spoke of a 'mutually beneficial and enduring' relationship with the hospital and each other.[77] Swain has stated that there is compelling evidence of links between supposedly deviant childcarers and the respectable medical community. As such, paid-childcare in Melbourne should be considered part of a dense and informal network of nursing services. Swain's work suggests a need to

[76] Jenny Keating, *A child for keeps* ; Pamela Walker, 'Adoption and Victorian culture' *History of the Family* 11:4 (2006) pp. 211-221 ; Deborah Cohen, *Family secrets: living with shame from the Victorians to the present day* (London: 2013).

[77] Shurlee Swain, 'Towards a social geography of baby farming', *The History of the Family* 10:2 (2005) p. 157.

explore the functional aspects of so called 'baby-farming'. It also forces a consideration of the links between women labelled as 'baby-farmers,' their communities and institutional bodies, in which we rigorously question the boundaries between them. Whilst Swain's approach represents the most rigorous analysis of childcare at a community level, it is based on a set of sources that have no parallel in any British city.

When discussing communal responses to paid-childcare it is difficult to untangle how far these findings are specific to the locality in which the investigation was conducted. Sian Pooley's examination of two working-class communities in northern England revealed two wholly distinct childcare cultures, shaped by the towns' occupational structures and underpinned by 'different ideas of care and neglect.'[78] Whilst this thesis does not adopt an explicitly comparative approach, Pooley's highlighting of differing cultures of childcare is particularly pertinent, not least since this thesis encompasses Scotland as well as England. The three principal Acts mentioned above applied in Scotland and were administered in a broadly similar manner, but it should be remembered that Scotland had (and continues to have) a separate legal system and, perhaps most pertinently in the context of this thesis, a different approach to child welfare. Caroline Conley has asserted that a woman in Scotland was far less likely to face trial for violence against a child than in England and Wales. Conley has suggested that this reflected the greater burden of proof required in the Scottish courts, rather than any

[78] Sian Pooley, 'Childcare and neglect: a comparative local study of late nineteenth century parental authority', in Lucy Delap, Ben Griffin and Abigail Wills (eds.), *The politics of domestic authority in Britain since 1800,* (Basingstoke: 2009), p. 237.

difference in the death rate.[79] Lynn Abrams has emphasised the fundamental differences in practice and ideology between the Scottish and English welfare systems. In particular, she argued that welfare professionals in Scotland, 'showed an enlightened and humanitarian attitude towards children in distress.'[80] As I have argued elsewhere, a similar attitude was apparent amongst elements of the Scottish medical establishment, who until the 1880s were keen to assert that problematic paid-childcare was confined to England.[81] Not only does this emphasise the importance of accounting for the different legal and cultural context in Scotland, it also emphasises the importance of exploring multiple representations of paid-childcare in the period covered by this thesis.

Deconstructing 'baby-farming'

As has already been noted, Margaret Arnot has attempted to deconstruct the term 'baby-farmer' and the process by which these women were thrust into public view. Arnot has asserted the centrality of economic exchange in understanding the sustained Parliamentary and medical agitation on the topic between the years 1867-1872. This period was characterised by a flurry of activity around child-care performed for money, including the

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[79] Carolyn A Conley, *Certain other countries: homicide, gender and national identity in late nineteenth-century England, Ireland, Scotland and Wales.* (Columbus: 2007) p. 162.

[80] Lynn Abrams, *The orphan country: children of Scotland's broken homes from 1845 to the present day* (Edinburgh, 1998), p. 36. It is important to note that Abrams does not claim that Scottish welfare policy in relation to children was more humane than its English counterpart, merely that its practitioners perceived it as such. Abrams has noted that the practice of 'boarding out' was born of a fear of urban lifestyles and not in the real interest of the child.

[81] Jim Hinks, 'The representation of 'baby-farmers' in the Scottish city, 1867–1908' *Women's History Review* 23:4 (2014) p. 566.

emergence of the term 'baby-farmer,' sustained campaigning by Hart and Curgenven, the Waters trial and the passage of 1872 Infant Life Protection Act. In particular, Arnot declared that in the context of nineteenth century gender relations, that by charging money for activities closely associated with women's 'natural' reproductive and child-rearing role, so called 'baby-farmers' were 'bringing relations between women and children out from the enclosed, privatized space defined as "natural", into the economic and public world.'[82] Thus destabilising the stable ordering of public and private space in which 'all women cared for their own children in their own homes.'[83] In dissecting the complex legal, medical and political discourses in relation to the passage of the 1872 Infant Life Protection Act, Arnot exposed the complex of alliances and debates that framed the legislation and gave full consideration to how this campaign was resisted. In terms of this thesis, Arnot's work also serves as an example of how a close reading of a comparatively small, yet eclectic set of sources, can allow the writer to construct a nuanced reading, sensitive to the multiplicity of meaning. The centrality of economic exchange in understanding reactions to paid-childcare was also noted by Carol Smart, who placed the 1872 *Infant Life Protection Act* within a 'surge of legislative and juridical activity concerning

[82] Margaret Arnot, 'Infant death, childcare and the state,' p. 273.

[83] *ibid.* Daniel Grey makes a similar point in relation to infant life insurance. Grey asserted that one of the few occasions on which a parent accused of murdering their own child, was if it was suspected that she had profited from an insurance policy on the child's life. See, Daniel Grey, '"Liable to very gross abuse" murder, moral panic and cultural fears over infant life insurance 1875 – 1914', *Journal of Victorian Culture,* 18,1 (2013), pp 54-71.

sexual and reproductive behaviour' during the 1860s and 1870s.[84] In particular, Smart has noted that the passage of the *Infant Life Protection Act* came shortly after the passage of the *Contagious Diseases Acts* of 1864, 1866 and 1869.[85]

Towards an alternative historiography

Arnot's attempt to forensically deconstruct the term 'baby-farmer' has been instrumental in informing the approach adopted in this thesis. Arnot's work holds out the possibility of an account of paid-childcare that is not predicated on an invidious choice between focusing on a handful of unrepresentative and comparatively well analysed group of women convicted of murdering children in their care or an ultimately doomed attempt to recreate the lost world of everyday paid-childcare. This thesis aims to go further: it will look beyond the portrayal of women who took in children for money as 'baby-farmers' and consider the numerous ways their childcare practices were represented in the period 1867-1908. It will consider the manner in which different social actors told different stories about the same event, embracing the possibility of multiple readings of the same text.

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[84] Carol Smart, 'Disruptive bodies and unruly sex: the regulation of reproduction and sexuality in the nineteenth century', in Carol Smart (ed.), *Regulating womanhood: historical essays on marriage, motherhood and sexuality* (London:1992), p.12.

[85] Chapter Two explores the links between the campaign against the Contagious Diseases Acts and the 1872 *Infant Life Protection Act*.

Nevertheless searching questions still need to be asked about how to approach source material that is in places both limited and unclear. Instead of seeing the absences and silences as an obstacle, this thesis will attempt to examine how a range of social actors exploited the absences, silences and uncertainties in order to construct narratives around paid-childcare and to what ends. This will allow a consideration of the complexities around the status of childcare performed for money. This approach is informed by what Sarah Maza has characterised as the 'narrative turn' in cultural history. [86] Maza emphasised that this approach is largely unconcerned with the 'truth' of an event in question but how it was understood, how it was communicated, by whom and to what end. As a consequence, texts have multiple meanings communicated by multiple authors. The utility of this approach is particularly apparent when conventional sources are limited and has been demonstrated in Judith Walkowitz's analysis of the Whitechapel murders of 1888. Walkowitz attempted to explore how the almost complete absence of evidence and the unresolved nature of these brutal murders allowed social actors - largely from the media and judicial system - to 'consolidate a small number of "facts" about the cases' and, from this, construct dark and elaborate fantasies.[87] As well as calling into question the boundaries between factual and fictional representations, Walkowitz emphasised that the latitude afforded to these narrators meant

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[86] Sarah Maza, 'Stories in History: Cultural Narratives in Recent Works in European History'. *The American Historical Review,* 101:5 (1996), p. 1495.

[87] Judith Walkowitz, *City of dreadful delight: narratives of sexual danger in late-Victorian* London, (London:1992), p.192.

that the 'script' of the murders 'never emerged as a unified, stable narrative.'[88] Ann-Louise Shapiro's account of the construction of female deviance in late nineteenth century Paris adopted a similar approach and emphasised that rather than having a homogenising effect, these 'competing cultural narratives' offered a window onto a society struggling to cope with profound transition and uncertainty. [89]

The potential of this approach has been realised in Debra Powell's investigation of the child homicide trials in nineteenth and twentieth century New Zealand. In relation to women who killed children, Powell has also stated that representations of these women were subject to an 'interplay of competing discourses subject to change over time.'[90] However Powell has also noted that the construction of these 'truths' about infant homicide relied on a strong element of storytelling, filtered through 'myths and fantasies gleaned from the tropes of folkloric, literary and theatrical narratives,' notably the popular genre of melodrama. [91] Powell is far from alone in identifying the genre of melodrama as being hugely informative of social conduct. Michael Hayes and Anastasia Nikolopoulou have claimed that the genre, with its limited range of stock characters and endlessly

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[88] *ibid*, p.202.

[89] Ann-Louise Shapiro, *Breaking the codes: female criminality on fin-de-siècle Paris,* (Stanford: 1996), p. 217.

[90] Debra Powell, 'The Ogress, The Innocent, And The Madman: Narrative and Gender in Child Homicide Trials in New Zealand, 1870-1925', (Unpublished PhD thesis, University of Waikato, 2013), p. 356.

[91] *ibid,* p.343

recycled plots featuring cross-class conflict between unambiguously vitreous and villainous characters, 'played an important role in the cultural dynamics of the nineteenth century ... and influenced the way people acted in the public sphere.'[92] Ginger Frost has explored the enduring popularity of one of melodrama's most popular plots - in which a previously virtuous working-class woman is seduced under promise of marriage by a rakish and amoral social superior - informed breach of promise cases heard between 1830-1890.[93] Frost claimed that within the male-dominated space of the court, working-class women possessed an extraordinary power to 'construct their actions within a melodramatic setting. The plaintiff played the part of the victimised heroine and so long as she played it well, sympathy was almost automatic.'[94] In the context of this thesis, the ability of social actors to draw upon cultural narratives to subvert classed and gendered power will present an opportunity to hear marginalised voices, including that of the paid-childcare provider.

Melodrama has proved a popular medium for representing behaviour in the nineteenth century. However the impact of other literary forms on public discourse have also been explored. Andrew Smith has explored masculine identities in fin-de-siècle London through narratives of 'individual pathology

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[92] Michael Hayes & Anastasia Nikolopoulou, 'Introduction', in Michael Hayes & Anastasia Nikolopoulou (eds.), *Melodrama; the cultural emergence of a genre*, (Basingstoke; 1996), p. vii.

[93] This melodramatic plot formed the basis of both Elizabeth Gaskill *Ruth* (Harmondsworth:1998) 1 edn. 1853 and George Elliot *Adam Bede* (Oxford: 2008) 1 edn. 1859.

[94] Ginger S. Frost, *Courtship, class and gender* in *Victorian England,* (London:1995) p. 9.

and national decline' in gothic literature.[95] Similarly Nicola Goc has explored reactions to violent infant death in the courtroom through narratives drawn from the Medea myth in Greek tragedy. [96] Along with exploring how melodrama was used as a tool for exploring representing paid-childcare and its practitioners, this thesis will aim to explore how other literary forms influenced how narrators wrote and spoke about the topic. Sarah Maza has stated that most attempts to utilise narrative in history have drawn on 'judicial sources that rely on an element of storytelling such as witness depositions, published arguments and pleas, lawyers briefs.'[97] Whilst the theatre of the courtroom has undoubtedly proved popular, the use of narrative has found a far wider application than obviously theatrical settings. Of particular relevance to this thesis is Anna Clark's analysis of how the ambiguities in Britain's unwritten contribution allowed franchise reformers to construct different models of citizenship and Mark Peel's treatment of Social workers' case files as dramatic texts.[98] Peel's work recasts a perceived weakness of these sources - that they are a one sided account of a dynamic exchange, told from the perspective of the powerful - into a comparative strength. By acknowledging that these files are likely to be written with a specific audience in mind and, in the words of Eileen Yeo,

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[95] Andrew Smith, Victorian demons: medicine masculinity and the gothic at the fin-de-siècle, (Manchester:2004), p.15.

[96] Nicola E. Goc, 'Medea in the courtroom and on the stage in nineteenth century London', Australasian Journal of Victorian Studies, 14: 1 (2009), pp. 30-46.

[97] Sarah Maza, 'Stories in History,' p.1494.

[98] Anna Clark, 'Franchise reform in England' in James Vernon (ed.) *Re-reading the constitution: new narratives in the political history of England's long nineteenth century* (Cambridge: 1996) pp. 230-250 ; Mark Peel 'Charity, casework and the dramas of class in Melbourne 1920-1940' *History Australia* 2:3 (2005) pp.83.3-83.15

offer an account 'of what they should have done' rather what they actually did, Peel re-cast the authors of these files as 'interpreters, dramatizers and publicists' of their clients' lives.[99]

Questioning paid-childcare

The dynamic, multilayered scholarship produced by writers influenced by the 'narrative turn' often in situations where conventional sources are unavailable or problematic has proved influential on the theoretical approach adopted in the thesis. This has orientated this study towards a consideration of how and why stories about childcare performed for money were constructed, maintained and challenged. This has manifested itself in three inter-related questions:

i) How and why did concerns around paid-childcare emerge at this particular historical moment and why did these narratives acquire such resonance?

ii) What impact did these narratives have on policy making and wider ideas about childcare? How were they contested and what capacity did paid-childcare providers have to influence these narratives?

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[99] Eileen Yeo, The contest for social science: relations and representations of gender and class (London: 1996), p. 247 ; Mark Peel, *Miss Cutler and the case of the vanishing horse: social work and the story of poverty in America, Australia and Britain.* The use of case files as a source for cultural history has a rich tradition, especially in North America. See, Daniel Walkowitz, *Working with class: social workers and the politics of middle-class identity,* (Chapel Hill: 1999) ; Carolyn Strange, 'Stories of their lives: the historian and the capital case file', in Franca Iacvoetta and Wendy Mitchinson (eds.), *On the case: explorations in social history,* (Toronto: 1998), pp. 25-49.

iii) To what degree did these narratives shift across time and place?

2.

Parliament and paid-childcare: the birth of the infant life protection movement and the 1871 Select Committee

Introduction

As has been discussed Chapter One, existing scholarship has taken a dim view of the 1872 *Infant Life Protection Act* and its efficacy in preventing the worst excesses of paid-childcare providers. If any value is accorded to this measure, it is for its symbolic rather than its practical value. Carol Smart has asserted that the passage of the 1872 Act formed part of a surge of repressive 'legislative and judicial activity concerning [women's] sexual and reproductive behaviour' that was passed by an all male Parliament at the behest of a medical elite increasingly keen to assert their authority over legal and moral issues.[100] By contrast, George Behlmer saw the passage of these Acts as indicative of a growing belief that 'the sanctity of English home should not be respected' at all costs.'[101] Behlmer has cast the willingness of Parliament to intervene in this topic as a milestone in the state's quest to expand its responsibilities for, and power over, its citizenry, by assuming functions that had previously been the preserve of the private family, culminating with the establishment of the welfare state in the aftermath of the Second World War.

Whilst not necessarily disputing the notion of the British state gradually supplanting the private family and philanthropic organisations in ensuring the welfare of children across the second half of the nineteenth century and the first half of the twentieth, this chapter aims to address parliamentary intervention in a different spirit. This chapter will draw upon Margaret

[100] Carol Smart, 'Disruptive bodies and unruly sex', p. 16.

[101] George K. Behlmer, *Friends of the Family,* p. 282.

Arnot's analysis of the complex and shifting alliances formed by opponents of the 1872 *Infant Life Protection Act* and will concentrate on exploring the 'assumptions, motivations and normative judgements' of the participants in the Select Committees, rather than the legislation they produced. [102]

In trying to unpick how this much derided piece of legislation came into force in its seemingly illogical and compromised final form, it is worth noting that the process by which this legislation came into being was rather more vexed than might be imagined with moves to extend infant life protection legislation being bitterly contested, both within and beyond Parliament. On first glance, it may appear difficult to understand how legislation aimed at extending protection to vulnerable children could provoke such strident and persistent opposition: Stephen Cretney has acknowledged this and stated that, 'later generations may find difficulty in understanding how there could be any opposition to legislation.'[103] This chapter's primary, but not exclusive focus will be on the Select Committee, held in 1871 and its accompanying minutes of evidence. This was the first of four Select Committees assembled to consider the regulation of infants taken in exchange for money. This first inquiry wrestled with the fundamental principle of state regulation in a way that subsequent Select Committees on this topic did not, once the principal of regulation had been conceded. The chapter will attempt to capture a dynamic process where parties interested in shaping perceptions of paid-childcare, including

[102] Margaret Arnot, 'Infant death childcare and the state', p. 272.

[103] Stephen Cretney, *Family law in the twentieth century,* (Oxford:2009), p. 269.

doctors, journalists, and philanthropists, appeared at the Parliamentary enquiry. Along with assessing the testimony and solutions proposed by the witnesses, this chapter will explore how committee members attempted to make sense of the cacophony of voices who appeared before them and balance competing interests. In particular, it is hoped that by exploring the discontinuity and dissent that emerged from these dramatic, and at times adversarial, engagements, it will call into question the notion that a stable view of informal paid-childcare emerged amongst the legal, medical and political elites who offered their testimony before the committees. This goes some way to explaining why Parliament resisted more rigorous infant life protection legislation.

The Development of an Infant Life Protection Movement

Before examining the events that unfolded at the first Select Committee, it is necessary to explore how the practice of paid-childcare came to be brought before Parliament in the first place. As has been established in the Introduction to this thesis, the 1860s saw agitation on behalf of infants placed in paid-childcare and the symbolic creation of the 'baby-farmer' by Ernest Hart.[104] However, it was another medical man, J. Brendan Curgenven, a campaigning physician and honorary secretary of the Harveian Society, who began a systematic campaign against what he described as the vast and hitherto undetected problem of paid-childcare

[104] The Baby-Farming System and its Evils,' *BMJ*, 18th January 1867, p. 372.

providers murdering or slowly starving infants.[105] From 1867 onwards, Curgenven warned that a 'vast amount of infant life is sacrificed in this country whether it be executed directly or indirectly by violence.'[106] As an official of one of the most prestigious medical societies in London, Curgenven was well placed to begin a campaign against the outrages laid bare by the Winsor trial. Curgenven established an Infanticide Committee within the Harveain Society to draw up a report 'suggesting the best means of checking the crime, to report on the causes of death of young children and to suggest some plan for the care and rearing of illegitimate children.'[107] This seven person committee was chaired by Curgenven and included Hart and Brandon Baker, the Medical Officer of Health for Marylebone. All three would go on to give evidence at the 1871 Select Committee.[108] The Harveian Society's committee spent the second half of 1866 engaged in gathering evidence from Britain and abroad, before presenting their report to the Society in January 1867.

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[105] The Hareian Society is a London based medical society. During the period under examination it offered a forum for medical elites to explore the application of new ideas in the application of medical knowledge, via a series of lectures and informal discussion. For more information on the activities of the Harveian Sociery and Curgenven's campaigning activities, in particular his advocacy of the Contagious Diseases Acts, see Lawrence Goldman, *Science, reform and politics in Victorian Britain: the Social Science Association 1857 - 1886* ,(Cambridge: 2002), pp.128-130. Further biographical information on Curgenven is contained within his obituary 'Medico-legal and medical-ethical', *BMJ,* 24 October 1903, pp. 1104-1105.

[106] J.Brendan Curgenven, *The waste of infant life: read at a meeting of the Health Department of the National Association for the Promotion of Social Science (*London:1867), p. 2.

[107] 'Harveian society of London', *Standard,* 29 January 1867, p. 3.

[108] For further analysis on the makeup of the Harveian Society committee, see George Behlmer, *Child abuse and moral reform,* p.22. Behlmer suggested that within the context of this committee Hart and Curgenven were unusual in that they were both general surgeons lacking the profile and kudos bestowed on their fellow committee members as specialists in either public health or paediatrics.

The report contained 20 wide ranging suggestions. In the context of this thesis the fourteenth proposal put forward is perhaps most significant. This clause suggested that:

> No person be allowed to take an infant to nurse that is not registered as a fit and proper person and she should be under the supervision of the district Poor Law Medical Officer. Any person acting as nurse and not registered should be subject to a penalty. That no nurse should be allowed to take more than two children.[109]

The suggestion that the state should prescribe the number of infants a paid-child-care provider could take in, and then subject her to inspection, dominated legislative debates for the next forty years. However, the exact nature of the activities the committee proposed legislating against was rather less clear. In a speech given to the Social Science Association, Curgenven railed against a muddled list of targets, including day-minders in pottery mill towns, the use of opium by parents to pacify children, unregistered midwives and the insurance of infants in burial clubs.[110] It would appear that in Curgenven's hands this seemingly tangentially associated list of concerns could not be translated into an effective campaign. It would take a series of events and the intervention of Ernest Hart to add focus to this crusade.

The British Medical Journal and the emergence of the 'baby-farmer.'

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[109] J.Brendan Curgenven, *The waste of infant life,* p. 5.

[110] *ibid.*

With the ink scarcely dry on the Harvean Society report that he had helped to author, Earnest Hart was appointed editor of the *BMJ* in January 1867. Given Hart's recent involvement with Curgenven's committee and the *BMJ*'s reputation for driving medical reform, it is perhaps unsurprising that he soon directed his attention to the peril faced by infants being looked after in exchange for money.[111] To pioneer the use of the term baby-farming, it took someone with journalistic flair and what Homrighaus characterised as a willingness to 'paper over the difference between unintentional neglect by a poor but honest nurse, and murder committed by a criminal.'[112] The term, as has already been discussed in the Introduction to this thesis, had an extraordinary allegorical power and crystallised diffuse concerns about women, who he believed, profited from the deliberate death of children. The term simultaneously emphasised the economic nature of the undertaking, often bolstered with reference to the activity as a 'trade' or 'line of business, ' and also implied that children looked after by such women were likely to be slaughtered in the name of profit.

The first opportunity that presented itself to Hart was an inquest conducted on the corpse of Mary Stevens, a nineteenth month old child who had died in the home of Caroline Jagger. Mary Stevens had been born out of marriage and Jagger received the sum of 6 shillings a week in postal orders from Liverpool in exchange for looking after her. The child had lived with

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[111] The *BMJ* had devoted considerable attention to the topic of infanticide in the early 1860s, but it would appear that the interest in pecuniary forms of childcare was a product of Hart's editorship. For further information on the *BMJ*'s treatment of infanticide see, Ruth Homrighaus, 'Wolves in women's clothing', pp. 351-353.

[112] Ruth Homrighaus, 'Baby farming', p.43.

Jagger for a period of 16 months and in this time the child's mother had visited the child twice.[113] Whilst payment had been made via a solicitor's office in Liverpool, Jagger was aware of the mother's identity and the child's mother was described in court as 'a woman of wealth and position.'[114] The court case attracted attention in the press, but in the main the focus of their reports was upon the possible identity of the mother, rather than the death of the child.[115] This speculation was only heightened when Jagger refused to name the child's mother on the grounds that 'the young woman intimated that should her name be divulged that sooner than live and "be ruined forever" she should prefer to commit suicide.'[116] Despite the censure of the judge, Jagger remained steadfast. When the inquest returned a verdict of death from natural causes, the *Pall Mall Gazette* apportioned blame, not to Jagger, but to the late child's parents who had 'only been too happy to be rid of their shame.'[117]

Hart did not share the view of the coroner's jury or the *Pall Mall Gazette* in assigning guilt and Jagger had the dubious honour of being the first woman to be described as a 'baby-farmer' in the pages of the *BMJ.*[118] Hart kept up the pressure and in December 1867 he published a leading article in the

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[113] The last name Stevens given to Mary would appear to be pseudonymous. For further coverage of the inquest, see 'Extraordinary enquiry at Tottenham', *Daily News,* 25 August 1867, p. 7.

[114] 'Extraordinary death of a lady's child', *Cheshire Observer,* 28 September 1867, p. 2.

[115] See for example, 'Epitome of opinion it this morning's journals', *Pall Mall Gazette,* 25 September 1867, p. 2.

[116] 'General news', *Bristol Mercury,* 28 September, 1867, p. 6.

[117] 'This evening's news', *Pall Mall Gazette,* 28 September 1867, p. 8.

[118] 'Baby-farming', *BMJ,* 19 October 1867, p. 343.

BMJ in which he asserted that the Jagger case demonstrated the need for regulation and reiterated the conclusions of the Harveian Society report and urged the Home Secretary to 'turn his attention to this subject.'[119] The focus on the Jagger case continued into the New Year. The 11 January edition of the *BMJ* contained an extraordinary report from Benson Baker, the Poor Law Medical Officer in Marylebone and an advocate of infant life protection legislation. Baker claimed that he had 'in his care one of the children who had survived the care of Mrs Jagger.'[120] Baker was also a supporter of the nascent campaign for infant life protection and also described Jagger's childcare activities as 'baby-farming.' He expanded this allegorical representation by stating that Jagger had used this three year old child as a 'baby-ganger.' In describing this arrangement, Baker stated that this child 'was quite intelligent beyond his years' and had been tasked by Jagger to 'sit in the middle of the bed, between eight other babies and give them their bottles and to generally superintend them.'[121] Baker claimed that the child had given him a remarkably colourful account of life inside Mrs Jagger's so-called 'baby-farm.' He also asserted that this baby-ganger ' knows all about the old babies being put in the wooden box and new babies being bought in' and how 'Mother Jagger had a drop of gin.'[122] Baker's article stated that the child had been burned as a result of Jagger's drunken negligence and that his 'baby informant had told him that he had fallen into the fire and as he

[119] 'Baby-farming', *BMJ,* 21 December 1868, p. 570.

[120] 'Baby-gangers', *BMJ,* 11 January 1868, p. 42.

[121] *ibid.*

[122] *ibid.*

was tied to a chair he could not crawl away and Mother Jagger was incapable and powerless to help him.'[123] As a result, the toddler, who had given such a detailed picture of life inside Mrs Jagger's Tottenham home, had suffered burns to his hands and arms that left him 'more or less incapacitated from ever making a living.'[124] This reawakened interest in Jagger's Tottenham 'baby-farm' and a number of newspapers reproduced Baker's article.[125]

Jagger did not let the *BMJ* article go unchallenged and her response was published in the following edition of the journal. Whilst acknowledging that a child named Harold McDonald had suffered burns whilst at her home and was now residing at the Marylebone workhouse, she declared that the rest of Baker's article to be 'entirely untrue.'[126] Jagger claimed that Harold McDonald had not been tied to the chair and denied that she had she been drunk at the time of the incident. However it was in refuting that this injured child had been used as a 'baby-ganger' to oversee the other infants that formed the key part of Jagger's rebuttal. Jagger pointed out that Harold McDonald was in fact aged two and a half rather than three as Baker had claimed in his original account. She claimed that Baker's article displayed a 'curious notion of the ability of a child aged two years and six

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[123] *ibid.*

[124] *ibid.*

[125] See for example, 'Opinion of the weekly reviews', *Pall Mall Gazette*, 11 January 1868, p. 3 ; 'Latest and telegraphic news', *Liverpool Mercury,* 13 January 1868, p. 7.

[126] 'Baby-farming', *BMJ,* 25 January 1868, p. 84.

months old.'[127] Along with questioning how truthfully he had described his interaction with the child, Jagger also questioned his competence as a Doctor, stating that 'how anyone, especially a medical man could think a child so young could be employed [to feed infants] in the manner stated is wonderful.'[128]

The fact that Jagger was prepared to publically acknowledge how she made her living and also to challenge the representation of her as drunken and neglectful childcare practitioner by physicians suggests that in early 1868 there remained a space for women to contest the representations put forward by the infant life protection movement. However, few other women in later years would take a similar course of action in challenging these representations head-on. In part this was because Hart was preparing to escalate the rhetoric around women who offered childcare in exchange for money and explicitly claim that their activities were tantamount to money for murder. Along with containing Jagger's riposte to Baker, the 25 January 1868 issue of the *BMJ* contained the first of four articles published under the collective title of 'Baby-farming and baby murder.'[129] Hart had penned these articles after conducting an investigation with the assistance of Alfred Wiltshire. Hart had placed a classified advertisement in the *Clerkenwell*

[127] *ibid.*

[128] *ibid.*

[129] 'Baby-farming and child murder', *BMJ,* 25 January 1868, pp. 75-76. The subsequent articles in this series were 'Baby-farming and baby murder', *BMJ,* 8 February, 1868 pp. 127-128 ; Baby-farming and baby murder', *BMJ,* 22 February 1868, pp. 175-176 ; 'Baby-farming and baby murder', *BMJ*, 28 March 1868, pp.301-302. This analysis of the 'Baby-farming and baby-murder series' is intended to demonstrate how it played an integral role in creating demand for law reform. The content of these articles is explored in more depth in Chapter Three of this thesis.

News advertising for a woman to take a child in exchange for a one-off fee of £40. The fact that the articles offered nothing of the sort was largely immaterial and did not restrain Hart. In the absence of evidence, Hart was willing to fill the gaps as to the ultimate fate of the infants he encountered, offering tantalising hints of mysterious substances being added to infants' food. This was reinforced by the constant emphasis that these women were engaged in a 'trade' in which 'demand and supply are equally balanced and at this time business seems very brisk.'[130] However, in one important respect, Hart's work was a palpable success as the articles garnered considerable positive attention in the popular press.[131]. By August, 1868, the *BMJ* reported that its agitation had led to the government stating that following the House of Commons return from its summer recess, a Bill would be drawn up subjecting paid child-carers to inspection.[132]

However, not for the last time, political events would conspire to dash any hope of securing legislation. Hart had elicited the promise of a Bill from the Disraeli-led Conservative government, but before there was any progress, the Conservatives were heavily defeated in the November 1868 election. Problems closer to home also caused momentum to dissipate. Hart was forced to resign the editorship of the *BMJ* in 1869, amidst allegations of

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[130] 'Baby-farming and child murder', *BMJ,* 28 March 1868, p. 30.

[131][no title], *Daily News,* 25 January 1868, p. 3 ; 'Latest news' *Glasgow Herald* 25 January 1868, p. 5 ; 'Baby-farming and child murder', *Dundee Courier & Argus,* 27 January 1868 ; 'Domestic Intelligence', *Bradford Observer,* 26 March 1868, p. 3.

[132] 'Baby-farming', *BMJ*, 1 Aug 1868, p.121.

financial malpractice.[133] Whilst Curgenven continued the campaign through the Harveian Society throughout 1869, the nascent infant life protection movement's most prominent advocate had been temporarily silenced.[134] Jonathan Hutchinson, Hart's short-lived successor as editor of the *BMJ*, shied away from overt political campaigning and it would appear that momentum was lost.

After over a year of stagnation, interest in the topic of paid-childcare was dramatically re-awakened by the discovery of the corpses of infant children on the streets of Brixton.[135] It is perhaps unfortunate that Waters became the archetype of the remorseless, homicidal 'baby-farmer.' This judgement was arrived at with scant regard to the reality of Waters' life or the manner in which she treated the children in her care. In the words of Judith Knelman, Waters was 'nothing like the sly, crass, brutally efficient baby-farmers depicted in the *Pall Mall Gazette* and the *British Medical Journal*.'[136] Homrighaus concluded that 'in choosing food for John Walter [Cowen], treating his illness and attending to his personal hygiene, she behaved as if she were a legitimate nurse. There is little evidence to prove

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[133] The precise nature and veracity of the charges levelled against Hart remain unclear. Peter Bartrip suggested that this may relate to the misappropriation of funds intended to pay contributors. This episode along with Hutchinson's brief editorship is discussed in PWJ Bartrip, *Mirror of medicine: the British Medical Journal, 1840 - 1965* (Oxford: 1990) pp. 76-83. Hart resumed the editorship in August 1870.

[134] J. Brendan Curgenven, *On Baby-farming and the registration of nurses: Read at a meeting of the National Association for the Promotion of Social Science* (London : 1869).

[135] This is not intended to be an extensive exploration of the Waters case and is included in order to illustrate the case's impact on reinvigorating the faltering campaign to legislate against paid-childcare providers. For a fuller summary, please see David Bentley, 'She butchers, baby-droppers, baby sweaters and baby-farmers', pp. 198 -214 ; Margaret Arnot, 'Infant death childcare and the state', p. 271.

[136] Judith Knelman, *Twisting in the wind*, p. 172.

that Waters harmed John Walter Cowen.'[137] Nevertheless, despite a few dissenting voices, the treatment of Waters in the press was vitriolic and drew heavily on the discourses around paid-childcare that Curgenven and Hart had done so much to propagate in the previous three years.

The Infant Life Protection Society

By the time Waters had been hanged in October 1870, Hart had been restored to the editorship of the *BMJ* and was keen to make fresh capital from her case. Two days after the death of Waters, the *Morning Post* reported that Hart, Curgenven, Baker and the Reverend Oscar Thorpe had met at 'the chambers of Mr W.T. Charley MP [where] it was resolved to establish a society ... having for its first object the introduction into Parliament of a bill for the registration and supervision of nurses who receive children of others into their care.'[138] The newly formed society received ample press coverage and could count on the support of figures within both the Lords and the Commons, along with elements of the medical and legal establishment. Within a month the society had secured an audience with the Home Secretary, where the deputation, led by W.T. Charley, the Conservative MP for Salford and the Conservative peer Lord Shaftesbury, mounted a case for legislation to 'end the collusion which

[137] Ruth Homrighaus, 'Baby farming', p .62.

[138] 'Baby farming', *Morning Post* 17 October 1870, p. 4.

existed between parents and baby farmers ... parents who recoiled from murdering their own children did not mind destroying them by deputy.'[139]

The first Bill and the National Vigilance Association for the Defence of Personal Rights

In February 1871, Charley put a Bill before Parliament. Charley's 12-clause Bill proposed an extensive regime of inspection and regulation.[140] The Bill proposed that no person should receive or retain for hire any child under the age of six, without having first taken out a licence under the hand of a justice of the peace.'[141] An absolute limit of two infants under the age of one was also proposed along with a requirement to register with the Poor Law Medical Officer the name of any child received into their care.[142] Alongside this requirement for registration of both the childcare provider and the infants in their care, the Bill mandated a rigorous and highly prescriptive inspection regime. The Poor Law Medical Officer was expected to personally inspect all registered children and make four annual reports on their condition. Along with monthly medical inspection, Poor Law Unions would be required to 'appoint sufficient numbers of inspectors to carry out the provisions of the Act.'[143] Should a paid-childcare provider fail to submit to inspection or be found to have kept children in unsanitary conditions, they

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[139] 'Local and General' *Leeds Mercury*, 10 November 1870, p. 5.

[140] A Bill for better protection of infant life, House of Commons Bill (hereafter, HC Bill), 1871, No. 49, Vol. II, p. 483.

[141] A Bill for better protection of infant life, HC Bill, 1871, No. 49, Vol. II, p. 483, cl. 2.

[142] A Bill for better protection of infant life, HC Bill, 1871, No. 49, Vol. II, p. 483, cls. 3-4.

[143]' A Bill for better protection of infant life, HC Bill, 1871, No. 49, Vol. II, p. 483, cl. 8.

were liable to penalties, ranging from the revocation of their license to a prison sentence of six months.[144] Despite the exacting requirements proposed in the Bill, there were some notable exemptions. The Bill was not intended to apply to philanthropic bodies or public orphanages and those children 'whose parents are resident abroad.'[145] This latter exemption would appear to be aimed at the children of colonial officials, who would often send their children to be looked after by foster-carers in Britain. This immunity extended to these so-called 'Raj orphans' and the involvement of Poor Law unions in the regime of inspection underlined that Charley explicitly targeted working-class paid-childcare providers.

Despite the apparently favourable conditions for a Bill of this type, it soon ran into difficulties, with principled opposition being led by the Manchester-based Lydia Becker, founder of the *Women's Suffrage Journal*. It was clear to Becker and other women's rights campaigners that any attempt to subject paid-childcare provision to such intensive regulation would decimate one of the few occupations open to married working-class women and represented a tactic for dealing with the issue of birth outside of marriage, at a time when many unmarried women would have been unable to bear the social and economic costs of single parenthood. Becker and fellow campaigner Ursula Bright Mellor met in Manchester in March 1871 to establish a new organisation, the National Vigilance Association for the Defence of Personal Rights (hereafter, NVADPR) and within it established the Committee for

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[144] A Bill for better protection of infant life, HC Bill, 1871, No. 49, Vol. II, p. 483, cls. 5-7.

[145] A Bill for better protection of infant life, HC Bill, 1871, No. 49, Vol. II, p. 483, cl. 10.

Amending the Law at Points wherein it is Injurious to Women. Becker and Bright Mellor had been active in attempts to resist the Contagious Diseases Acts (hereafter CD Acts) which had been passed between 1864 and 1869. The CD Acts allowed the Police, within specified garrison and dock towns, to detain women believed to be sex-workers and force them to submit to an examination for venereal disease, with the possibility of detention in a lock hospital should they be found to posses the symptoms of the condition.[146] These acts, just like the Infant Life Protection Bill, had been enthusiastically championed by the Harveian Society and it is clear to see Becker and Bright Mellor saw this Bill as another occasion on which in the words of MJD Roberts, 'women would bear the whole burden of state regulation in order to protect the national interest as defined by experts.'[147]

Despite the founders of the organisation being deeply rooted in the campaign for women's suffrage and women's rights, the title of their new organisation was gender-neutral and emphasised the value of individualism and opposition to state intervention. There is no doubt that this campaign was deliberately designed to resonate beyond their own support base. The committee's first report asserted the need to 'take action against the Infant Life Protection Bill which proposed the compulsory registration of all

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[146] A more thorough examination of this campaign to repeal the CD Acts lies outwith the scope of this thesis. There is an extensive literature on this topic, see: Mary Lyndon Shanley, *Feminism, marriage and the law in Victorian England, 1850-1895,* (London:1990), pp 82-88 ; Judith Walkowitz, *Prostitution and Victorian society,* (Cambridge:1980), pp. 79-104 ; Sung Sook Lee, 'Victorian feminism and 'fallen' women : the campaign to repeal the Contagious Diseases Acts in Britain, 1869-1886', Unpublished PhD thesis, (University of Sussex: 2001).

[147] MJD Roberts, 'Feminism and the state in later Victorian England', *Historical Journal,* 38:1 (1995) p. 88.

women who receive children and the periodic inspection of their nurslings by state appointed officers.'[148] Along with emphasising that this legislation served 'to put all expectant mothers of illegitimate children under suspicion' the committee's report also warned that the Infant Life Protection Bill held a profound threat to wider concepts of liberty and freedom;

> tyranny and injustice are not dead ... sometimes they appear in the guise of an angel of benevolence and discourse eloquently of ends, grand in themselves, but which they propose to achieve by means which would destroy national purity, liberty and life itself.[149]

Adopting the language of liberalism and individualism, and generalising the threat posed by creeping inspection and regulation within the home, allowed their arguments to resonate more widely than may have been expected. Homrighaus asserted that the notion of the 'Englishman's home as his castle' was an appealing notion that, 'resonated across the political divide, with both men and women.'[150] Subsequent publications by the NVADPR developed the notion that a compulsory system of licensing was an affront to the traditions of personal liberty and constituted an unwarranted intrusion into the private domain of the home.[151] The NVADPR also expressed this

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[148] The Vigilance Association for the Defence of Personal Rights, *Report of the provisional committee for amending the law in points wherein it is injurious to women,* (Manchester: 1871), p. 4.

[149] *ibid.*, p. 15.

[150] Homrighaus, 'Baby farming', p. 182.

[151] Maureen Wright, ' "The perfect equality of all persons before the law": the Personal Rights Association and the discourse of civil rights in Britain, 1871–1885', *Women's History Review*, 24:1 (2015), pp. 72-95. Wright claimed that this was not mere

view in increasingly resounding terms stating that they condemned the Bill 'on the ground that it imposes on the State an office which nature lays upon the parents ... we deny emphatically that the state has any right to dictate the way it should be fulfilled.'[152] The NVADPR also made explicit the class bias inherent in such legislation by posing the rhetorical question 'what would the ladies of England say if some philanthropic member of the House of Commons was to bring forward a measure licensing nurse-maids and forbid them to employ any girl who could not produce an official testament?'[153] The committee asserted that this 'deep rooted aversion and distrust' of state interference was shared by the working class and that any attempts to regulate paid-childcare would see respectable practitioners refuse to take children altogether. [154]

Along with advocating that the state should confine itself to 'imposing and inflicting punishment where such duties have been carelessly or culpably devolved' rather than creating a comprehensive regime of inspection, the NVADPR claimed that a surfeit of paid-childcarers was a mere symptom, rather than a cause in its own right. They condemned Charley and his

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rhetoric, but that the organisation increasingly concerned itself with universal rights, something Wright argued has been somewhat overlooked.

[152] The National Vigilance Association for the Defence of Personal Rights, *Report of the Provisional Committee for Amending the Law in Points wherein it is Injurious to Women* (Manchester: 1871), p. 5.

[153] *ibid.* p. 7.

[154] Committee for Amending the Law in points wherein it is injurious to women, *Infant Mortality its causes and remedies,* (Manchester: 1871), p. 5. For a fuller exploration of the interplay of social class and gender in the legislative process, see Ben Griffin *The politics of gender in Victorian Britain masculinity, political culture and the struggle for women's rights* (Cambridge:2012) pp. 65-110.

supporters for the failure of their Bill to tackle the problem of illegitimacy and the difficulty in getting fathers to financially support their offspring.[155] The NVADPR claimed that the issue of unmarried childbirth needed to be tackled head on with more stringent legislation to prevent 'the seduction of young girls as soon as they have completed their twelfth year' and to the law to force men to acknowledge and support children they had fathered out of marriage.[156] It is interesting to note, that in the course of the NVADPR's campaign, no mention was made of the fight for equal suffrage or women's rights. The only attempt to link the two issues was made by Thomas Collins, the Conservative MP for Boston. In praising the campaign conducted by the NVADPR, Collins stated in a debate in the House of Commons that 'their demand was a reasonable one [and] they should be able to express it through the polling booth.'[157]

By the time of Collins's intervention in early May 1871, it was clear that thanks in part to deft political manoeuvring by the women of the NVADPR, Charley's Bill could not command a majority in the House of Commons. On

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[155] This view is also expressed in Ann R Higinbotham, 'Sin of the age', pp. 257-288. Higginbotham saw infant life protection legislation as a method of avoiding the real problem of illegitimacy.

[156] The committee for amending the law in points wherein it is injurious to women, *Infant Mortality its causes and remedies,* (Manchester: 1871) p. 17.

[157] Thomas Collins, 3 May 1871, House of Commons debate (hereafter, HC deb.), *Hansard,* Third Series, Vol. 206, col. 13.

5 May 1871, Charley reluctantly agreed to the formation of a Select Committee in order to explore legislation that could achieve consensus.[158]

The 1871 Infant Life Protection Select Committee

It was in this context that the Infant Life Protection Select Committee met for the first time on 15 May 1871, under the chairmanship of the former Conservative Home Secretary, Spencer Walpole. In the following months the Select Committee would assemble on 13 occasions and would take evidence from 20 witnesses, before producing its report on 20 July 1871. The Select Committee included both Charley and another powerful advocate of child-welfare legislation, Liberal MP, Lyon Playfair. Also included on the committee was Jacob Bright, husband of the NVADPR founder Ursula Mellor Bright and Liberal MP for Manchester. Bright had championed the cause of women's rights in Parliament and shared the NVADPR's opposition to the Bill.[159]

However, such balance was not achieved in the makeup of the witnesses who appeared before the committee. Whilst Ernest Hart, Alfred Wiltshire, J.B. Curgenven, Oscar Thorpe and Benson Baker of the Infant Life Protection Society were called to give evidence, no representatives of the NVADPR were called. The hopes of the NVADPR would be further dashed when the Select Committee announced the terms of their inquiry; the

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[158] William Charley, 5 May 1871, HC deb., Third Series, *Hansard,* Vol. 206, cols. 320-321.

[159] Jacob Bright consistently advocated for women's rights throughout his Parliamentary career. For further details of his Parliamentary interventions see Mary Shanley, *Feminism marriage and the law,* pp.70-85. For details on his involvement with the NVADPR, see Maureen Wright, ' "The perfect equality of all persons before the law" ', pp. 72-95.

committee asserted that they would not consider the underlying causes that the NVADPR had asserted had created the market for paid-childcare provision. The Committee would solely deal with the topic of registration and inspection of paid-childcare providers and declared that discussion of the age of consent or making affiliation of illegitimate children to their father easier did 'not come within the limited scope of our limited enquiry.'[160]

The five witnesses who had links with the Infant Life Protection Society spoke with unity and it is difficult to see anything other than co-ordinated lobbying on their part. Without exception they were steadfast in their belief that, 'not a single child in the whole country should be hired out unless the person to whom it is hired has obtained a licence.' [161] This seemed to articulate a very narrow and fixed view of paid-childcare. The witnesses affiliated to the Infant Life Protection Society were unanimous in their belief that infants were placed with paid-childcarers with a tacit understanding that they should die, either by murder or deliberate neglect, within a short period of time. As has already been discussed in this chapter, the Infant Life Protection Society had to contend with the widely held belief that any such interventions would violate the sanctity of the family home and undermine parental authority. In the context of this Select Committee this issue was particularly acute as, despite the assistance of Charley and

[160] Report, July 1871, Select Committee on the Protection of Infant Life, House of Commons Select Committee (hereafter, HC), No. 372, Vol. VII., p. vi.

[161] Evidence of Ernest Hart, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, House of Commons Select Committee (hereafter, HC), No. 372, Vol. VII., p. 8.

Playfair, the support of other committee members was by no means guaranteed and support for regulation was at best conditional. Margaret Arnot has asserted that amongst committee members the dominant feeling was one of nervousness at 'intrusion into common working-class family arrangements.'[162] In terms of dealing with this widely held belief, the witnesses from the Infant Life Protection Society evoked the allegory of trade as the central defining aspect of paid-childcare. This was particularly apparent in the evidence presented by Hart and Wiltshire. In speaking of such women being in 'line of business' or 'at their trade' they had two aims.[163] Firstly this rhetoric reinforced the 'unnatural' nature of paid-childcare, subjecting child-rearing to the vicissitudes of market forces, and secondly, by emphasising the commercial nature of the operation, legislative intervention was made to appear more palatable.

Whilst there was considerable resistance to the notion of regulating private childcare arrangements, the Infant Life Protection Society argued if paid-childcare was represented as a 'trade' conducted on an almost industrial scale, then it should be subjected to regulation in the manner of factories and other dangerous workplaces. As Curgenven claimed, 'all offensive trades such as blood boilers, bone boilers, soap boilers and others, chemical cow-houses, pig-sties in the town are all required to be registered and

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[162] Margaret Arnot, 'Infant death', p. 294 . Ben Griffin stressed the difficulty of dividing MPs into supporters and opponents of women's rights, with individual MPs supporting one such piece of legislation aimed at extending the rights of women, but opposing others. Interestingly Griffin cites WT Charley as a prime example of this. Ben Griffin, *The politics of gender in Victorian Britain,* p.22.

[163] Evidence of Ernest Hart, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., pp. 4-5.

inspected.'[164] The notion that paid-childcare was an offensive trade was also reflected in the manner in which these witnesses deployed the term 'baby-farming.' Other witnesses tended to reserve the term to refer to large scale operations, in which infants were wilfully murdered, using terms like 'dry nurse' to describe more everyday forms of paid-childcare. By contrast, the Infant Life Protection Society tended to use the term indiscriminately to refer to all forms of paid-childcare. Ernest Hart referred to the activities of philanthropic childcare bodies as 'Baby-farming done by institutions.'[165]

It would appear that Hart and Wiltshire's advocacy was not tempered by the relative failure of their investigation. Whilst they had uncovered low-level neglect and poverty and children 'lying in their own secretions,' low-level neglect and poverty fell somewhat short of the systematic infant murders that they were keen to convince the committee were taking place.[166] Undeterred by a lack of evidence, Hart asserted that two-thirds of baby-farmers took in infants with murderous intent. When the committee chair pressed for evidence to support his claim, Hart asserted that he had none due to the secrecy with which it was conducted as 'any obvious intention would put their neck in a halter instantly.'[167] In a sense this sheer lack of

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[164] Evidence of J. Brendan Curgenven, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p 63. Harry Hendrick claimed that such an approach might be particularly productive as Parliament had legislate on behalf of children in industrial settings throughout the middle of the nineteenth century, for further details see Harry Hendrick, *Child Welfare England,* pp. 25-33.

[165] Evidence of Ernest Hart, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 8.

[166] *ibid.*, p. 4.

[167] *ibid.*

evidence helped, rather than hindered, the cause they were hoping to advance: it allowed the men of the Infant Life Protection Society to use the absences and silences around the topic of paid-childcare to suggest that what they had discovered was the mere tip of a submerged network of paid-childcare provision that existed outside of medical or legal scrutiny. No-one was in a position to contradict them. A prime example of this was Curgenven's assertion that up to 96% of infants placed into paid-childcare in Marylebone met a premature end.[168] The absence of reliable birth and death statistics for infants allowed Curgenven to claim that official statistics vastly underestimated the death rate of these children, as their birth was never recorded, or the children were disposed of as 'stillbirths and stillbirths do not need to be registered.'[169] Wiltshire also expressed himself in similar terms and asserted that even in 'the best run homes of this type, the death rate approaches 90 per cent.'[170] Whilst Wiltshire attributed the majority of these deaths to active criminality, he asserted that the small minority of women who took in children without murderous intent also saw 'infants die in large numbers as the management of them is so bad.'[171] Benson Baker, the Medical Officer for the Christ Church district in Marylebone, also

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[168] Evidence of John Brendan Curgenven, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p.49.

[169] *ibid.* A system of compulsory registration of births was introduced in England and Wales in 1836, it was not until the *Birth and Deaths Registration Act,* 1874, 37 & 38 Vict. c.38 that parents were made legally responsible for ensuring the birth or death of an infant was registered. By 1871 the registration of birth and death was mandatory for parents. In Scotland the responsibility already lay with parents, the relevant registration being the *Registration of Births, Deaths, and Marriages (Scotland) Act* 1860, 23 & 24 Vict.c.85

[170] Evidence of Alfred Wiltshire, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 11.

[171] *ibid.*, p.18.

asserted that he had encountered similar cases of 'bad air, bad food, dirt, neglect and general misery.'[172] This would appear to be a case of the Infant Life Protection Society drawing a distinction, not between problematic and un-problematic paid-childcare, but between murderous and ignorant paid-childcare providers, whose actions had the same end result.

As has been noted above, the fashionable district of Marylebone was identified as a particular area of anxiety for the Infant Life Protection Society campaigners. Baker claimed that the high levels of paid-childcare was predicated on the high level of demand for wet nurses amongst the upper and middle-class women of the area. Baker told the committee that the middle and upper classes would employ a wet-nurse by visiting the Queen Charlotte lying in hospital 'and select from the [unmarried] mothers there.'[173] The wet-nurse would reside with her employers whilst her own child would then be placed in the care of a paid-childcare provider. Curgenven commented on the fate of the wet nurses' children, 'brought up by hand by women often in receipt of parish relief, who wish to scrape together another few shillings, who have no special experience of bringing up children ... she either feeds it bread and water and lets it starve or tries

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[172] Evidence of Benson Baker, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 75.

[173] Evidence of Benson Baker, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 73. At the time of the 1871 Select Committee, Queen Charlotte's Hospital was a charitable endeavour intended for pregnant women in dire need. A useful, if brief, account of the hospital's early history is contained in JE Donnison, , 'Note on the foundation of Queen Charlotte's Hospital', *Medical History*, 15:4 (1971) pp. 398-400.

to get it into the workhouse.'[174] Baker went further than his colleagues in the Infant Life Protection Society and claimed that it was agreed that the mother 'wished that the child should die.'[175] Neither Baker, Curgenven or the committee members considered that the middle or upper classes were in any way culpable for the fate of the infants of the women that they employed as wet-nurses. Indeed, the revelation that another witness John Syson, the Medical Officer of Health for Salford, had employed a wet nurse excited very little critical comment from the committee. Curgenven apportioned blame squarely with the wet-nurses themselves and accused them of being motivated by avarice at the expense of their own children's welfare. Curgenven illustrated this via a second-hand account of a cook in Marylebone, who had a child outside of marriage and 'placed it with a baby-farmer and went out as a wet nurse. In this position she had every comfort and luxury and was taken on drives in the park.'[176] Curgenven argued that once her milk supplies had run out, she became pregnant again. Failing to find a position this time, 'she had lost her character and went out on the streets as a prostitute and her child died.'[177] Curgenven's morality tale, disguised as an anecdote, reflected his belief that wet-nursing was an 'inducement to illegitimacy' and the women who practiced it displayed the

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[174] Evidence of John Brendan Curgenven, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 50.

[175] Evidence of Benson Baker, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 70.

[176] Evidence of John Brendan Curgenven, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 50.

[177] *ibid.*

same disregard for infant life and acquisitive tendencies as women he labelled 'baby-farmers.'[178]

Taken as a whole it is difficult to see paid-childcare practices as being anything other than a closed world to the middle-class men who had appeared before the Select Committee. This did not stop them from speaking with an assumed authority and knowledge that was largely unwarranted. Along with their self-proclaimed authority over the issue of paid-childcare, the Infant Life Protection Society also declared the medical profession best placed to police the new legislation that they were advocating. Baker claimed that 'if you employed all the Poor Law medical officers where there are baby farms, you would have a thoroughly efficient staff to thoroughly investigate baby-farms.'[179]

The Scottish Witnesses

The Infant Life Protection Society and the witnesses from the Metropolitan Police based their testimony solely on a narrow spectrum of cases in central London. Whilst there was an understanding by the committee that 'baby-farming, as it is commonly called, is carried on to a large extent in London and its neighbourhood' , evidence was also heard from witnesses from other

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[178] *ibid*., p. 63. This unforgiving representation of mothers who went to work as wet-nurses serves as a contrast to portrayals of mothers, who were generally treated sympathetically. The representation of mothers is discussed in more depth in Chapters Three and Four of this thesis.

[179]Evidence of Benson Baker, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 80.

parts of Britain.[180] The sole witnesses from Scotland were William and Charles Cameron of the *North British Daily Mail* (hereafter *NBDM*).[181] In the winter of 1870 with memories of the Margaret Waters case still fresh, he directed his attention to the topic of paid-childcare. Charles Cameron employed his namesake, William, to help him undertake an enquiry into paid-childcare. This investigation was modelled on that undertaken by the *BMJ* two years earlier and resulted in a series of nine articles that were published in the paper early in 1871 under the collective title of 'Baby-farming in Scotland.'[182] In some respects, the parallels between Charles Cameron, and Ernest Hart are irresistible. Like Hart, Charles Cameron was both the well-connected editor of a campaigning journal, and a qualified physician; like Hart he too aspired to political influence and was not averse to using his publication as a campaigning tool. [183] Large portions of the paper were given over to championing pet social causes, such as municipal

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[180]Report, July 1871, Select Committee on the Protection of Infant Life, House of Commons Select Committee (hereafter, HC), No. 372, Vol. VII., p. iii.

[181] Charles and William Cameron were not related to one another. The *North British Daily Mail* was a short lived liberal-leaning Scottish paper established by Cameron's father. The *NBDM* was not connected with the current Associated Newspapers title and merged with the *Daily Record* in 1903.

[182] 'Baby Farming in Scotland first report', *NBDM,* 11 February 1871, p.6 ; 'Baby Farming in Scotland second report', *NBDM,* 16 February, p.2 ; 'Baby Farming in Scotland third report' ,*NBDM,* 23 February 1871, p. 5 ; 'Baby Farming in Scotland fourth report', *NBDM,* 2 March 1871, p. 4 ; 'Baby Farming in Scotland fifth report', *NBDM,* 9 March 1871, p. 4 ; 'Baby Farming in Scotland sixth report', *NBDM,* 16 March 1871, p. 4 ; 'Baby Farming in Scotland sixth report', *NBDM,* 16 March 1871, p. 5 ; 'Baby Farming in Scotland seventh report', *NBDM* ,23 March 1871, p. 5 ; 'Baby Farming in Scotland eigth report' ,*NBDM,* 30 March 1871, p. 4 ; 'Baby Farming in Scotland ninth report', *NBDM,* 7 April 1871, p. 4 .

[183] Three years after his appearance at the select committee, Charles Cameron fulfilled his political ambitions by being elected as a Liberal MP for the Glasgow College constituency. For further details of Cameron's political career, see Ewen A. Cameron 'Cameron, Sir Charles, first baronet (1841–1924)' *Oxford Dictionary of National Biography*. Online ed. Ed. Lawrence Goldman. Oxford, accessed 10 September 2013 <http://www.oxforddnb.com/view/article/58138>.

housing, the eradication of prostitution, temperance and prison reform.[184]. Indeed the series of on 'Baby Farming in Scotland' formed part of a wider social investigation conducted by the *NBDM* into urban conditions in Glasgow, under the umbrella title of 'The dark side of Glasgow.'[185] This kaleidoscopic approach to social issues reflected the idiosyncrasies of the paper's editor-owner. Amongst his political contemporaries Charles Cameron developed a reputation as a political 'faddist' starting single-issue campaigns with great gusto, before dropping them in favour of the next campaign.[186] Whilst issues pertaining to the wellbeing of infants would be a recurrent feature in Ernest Hart's work, it would appear that Charles Cameron was not detained by the topic of 'baby-farming' beyond the timeframe of the investigation.

The *NBDM*'s articles were the result of a month long investigation into paid-childcare largely conducted in the Central District of Glasgow and in Portobello, on the outskirts of Edinburgh. Charles Cameron claimed at the Select Committee that he had turned up 'a great deal of criminal and culpable neglect.'[187] However, this investigation was produced and received in a very different cultural climate to the one produced by the London-based *BMJ* . Whilst the representations of paid-childcarers as murderous 'baby-

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[184] *ibid.*

[185] The first piece in the umbrella series was 'The dark side of Glasgow: first report', *NBDM,* 22 December 1870, p. 4.

[186] Ewen Cameron, *Oxford Dictionary of National Biography,* also noted that Charles Cameron replicated this tendency in his career at Westminster where he was prolific at steering private members' Bills through the House of Commons.

[187] Evidence of Charles Cameron, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 205.

farmers' had translated readily into the English press, the Scottish press appeared rather more circumspect. In the Scottish press there was a palpable sense that the wilful neglect and outright murder of 'farmed' infants was not a problem in either Glasgow or Edinburgh and that the real evils of the baby-farming system were perpetrated elsewhere. It is striking that instead of seeking out similar cases in Scotland's two largest cities, the *Glasgow Herald* made the blanket assertion that murderous 'baby-farming' was 'mercifully confined to the Metropolis.'[188] This view was also articulated by elements of the medical community in Scotland. Dr James Starke wrote to the *BMJ* to express the view that the compulsory registration of birth and death in Scotland, and the legitimisation of infants if their parents subsequently married, provided safeguards against the lurid practices alleged to have occurred in London. Starke claimed that: 'strong inducement to the destruction of the child is removed by these wise laws.'[189] The *NBDM*'s investigation would appear to have gone wholly unacknowledged by the rest of the Scottish press, and Charles and William Cameron were granted a more generous hearing in the Select Committee than they had received from either the Scottish medical community or fellow newspaper proprietors. It is interesting to note that neither man devoted much of their testimony to the need for law reform and both had to be pressed by

[188] 'Tuesday Morning,' *Glasgow Herald* 14th June 1870, p. 1. Scotland would not see a paid-childcare provider charged with a serious offence until Barbara McIntosh faced trial for Culpable Homicide in 1881. This case is discussed in greater depth in Chapter Four.

[189] 'Baby-farming in Scotland,' *BMJ,* 19th November 1870, p. 568. This also tallies with the argument advanced in Lynn Abrams, *The orphan country* that Scottish welfare professionals saw their own welfare policies as being more humane and child focused than those in England.

committee members on the topic. This unwillingness to engage with the issue the committee were assembled to address was perhaps reflective of Charles Cameron's faddism. In the course of the investigation, Charles Cameron claimed to have detected two types of paid-childcare practised in Scotland. This distinction tallied with Hart's division between the barbarous and the ignorant. Charles Cameron claimed to have detected 'one of the criminal class' in a large house in the genteel seaside town of Portobello.[190] Cameron stated that this house contained a woman whose viciousness and 'love of gain' far exceeded the worst excesses of Margaret Waters.[191]

As a counterpoint to the seeming respectability of her surroundings, the Portobello 'baby-farmer' allegedly also took a sadistic pleasure in visiting torture on her victims. Whilst it is impossible to comment on the veracity of these pieces, it is worth noting that the alleged presence of a second Margaret Waters, living within striking distance of Edinburgh, did not attract the attention of any other paper. At the conclusion of the piece, the authors stated that the citizens of Portobello, aghast at discovering a 'baby-farm' in their town, burnt the house to the ground, forcing the 'baby-farmer' and her accomplices to flee.[192] This provided such a neat conclusion to the tale the *NBDM* had laid out for its readers that it bears the hallmark of journalistic invention. Both men recounted these events before the Select

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[190]Evidence of Charles Cameron, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 206.

[191] *ibid.,* p. 210.

[192] Evidence of William Cameron, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 203.

Committee, yet steadfastly refused to furnish the committee with further details of the case, protesting that their account of the Portobello case had been intended to illustrate a wider trend rather than form the basis of a criminal prosecution. When further pressed, Charles Cameron claimed that to reveal further details may lead to 'mobbing and so on.'[193]

The second type of paid-childcare provider, that William and Charles Cameron claimed to have uncovered, took infants 'without any culpable intentions ...[but] on low terms.'[194] These infants, they argued, were largely taken in exchange for a weekly payments and by their account the practice was largely confined to Glasgow's crowded and poverty-stricken central district. Charles Cameron argued that these infants had a degree of protection as 'it would be in their [the paid-childcare providers] interest to maintain their life as long as possible.' Charles Cameron also noted that infants tended to be kept singly, which would lessen the spread of infectious disease.[195] However, given high level of poverty and the large number of older women needing to make a living, Charles Cameron claimed that it 'had been possible to place infants for as little as 2s a week, which would not keep it sufficiently in healthy food.'[196] Wholly unintentionally, Charles Cameron's argument confirmed the view advanced by the NVADPR that

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[193] Evidence of Charles Cameron, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 211.

[194] *ibid.,* p. 206.

[195] Evidence of Charles Cameron, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 205. In his account, Cameron noted that in Glasgow he could not think of a case where more than one child was taken in at a time.

[196] *ibid.*, p. 205.

paid-childcare was one of the few ways that married or widowed working-class women could earn a living. By contrast Charles Cameron did not share the NVADPR's sympathy for their plight and argued that 'it is criminal and poverty is not any great excuse' and claimed that the outcome for the child of 'slow starvation' was likely to be the same.[197] Interestingly, William Cameron was not wholly in agreement with his colleague when it came to the plight of children paid for by the week. William Cameron claimed that 'in the house that contained those 'looked after for the week, these [infants] did not look too badly.'[198] Whilst Charles Cameron attributed the death rate to poverty, William asserted that it was largely due to the shortcomings of the childcare practices 'of the very lowest grades of society.'[199] William Cameron's statement would appear to reflect, alongside his anxiety about children taken for money, a more generalised hostility to working-class childrearing practices.[200] Nevertheless, it is interesting to note that whilst Charles and William Cameron did not draw a distinction in terms of the outcome for the child or the methods to tackle their practices, they made an absolute distinction between the methods, motivation, practices and

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[197] *ibid.*

[198] Evidence of William Cameron, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 195.

[199] *ibid.,* p. 197.

[200] Gerry Holloway 'Let the women be alive; the construction of the married working woman in the industrial women's movement 1890 -1914' in Eileen Yeo (ed), *Radical femininity : women's self-representation in the public sphere* (Manchester, 1998), pp. 172-196. Holloway has asserted that across the second half of the nineteenth century there was a growing distrust of working-class parenting amongst middle class commentators. These perceived shortcomings in working-class parenting were represented as ' problem of one of household management rather than one of household poverty' (p. 176)

geographical location of 'malicious' lump sum and the 'negligent' weekly paid-childcare providers.

Witnesses from Manchester and Salford

William Cameron mentioned a further form of paid-childcare, 'the care taking of legitimate children by the day.'[201] William Cameron declared that such arrangements were comparatively rare and were largely confined to cotton weavers and spinners.[202] John Syson, Medical Officer of Health for Salford, charted entirely the opposite experience. 'I have not heard anything in my four years that resembled criminal intent and lump sum adoption is practically unknown.'[203] This view was also shared by Edward Hereford, the Coroner for nearby Manchester, and Walter Whitehead, a doctor who had worked to establish a crèche in Manchester. To the incredulity of the committee, Hereford recounted that since he had taken over the office of coroner, he had held only one inquest on one child who had been looked after in exchange for money. Hereford further insisted that 'of systematic baby-farming in Manchester, I confess, I do not believe it exists.'[204] Whilst it is clear that Hereford was aware that paid-childcare was offered for

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[201]Evidence of Edward Hereford, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 92.

[202] Presumably William Cameron is making reference to Paisley, located approximately five miles east of Glasgow. For more information on female employment in the weaving industries in Paisley see, Wendy M. Gordon *Mill Girls and Strangers : Single Women's Independent Migration in England, Scotland, and the United States, 1850-1881* (New York:2002) pp. 101-136.

[203] Evidence of John Syson, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 104.

[204] Evidence of Edward Hereford, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 92.

Manchester, he had found nothing untoward in its practice. It is possible that Hereford later regretted his unwillingness to consider the possibility that problematic paid-childcare existed in Manchester. A matter of months after the Select Committee, Frances Rogers would be convicted and sentenced to 20 years imprisonment in the city's Assize Court for the manslaughter of six infants she had taken in exchange for lump sums.[205] Hereford, Syson and Whitehead did concede that Manchester and Salford had a flourishing market for paid-care, but asserted that this was almost exclusively confined to day-minding. Not only was the pattern of paid-childcare different, Syson asserted that women using their services were different also. Whilst the Infant Life Protection Society had argued that the system of 'lump sum' adoption that had operated in Marylebone was primarily used by unmarried mothers employed in domestic service, Syson declared that the system of day minding that predominated in Salford was primarily used by married women employed in the cotton mills. Syson estimated that two-thirds of children within manufacturing districts were placed (normally at two weeks old) with day nurses when their mothers were compelled to return to work. Syson stated, this usually coincided with the cessation of breast feeding: 'they scale their milk away; they are anxious to have no milk... that is their habit.'[206] Nor was this pattern of paid-childcare limited to Salford. Elizabeth Roberts has demonstrated that high

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[205] 'Manchester Summer Assizes', *Manchester Times,* 5 August 1871, p. 4 ; 'Baby-farming at Manchester', ,*Glasgow Herald,* 31 Jul 1871, p. 6 ; 'Baby farming in Manchester' *Birmingham Daily Post,* p. 7.

[206] Evidence of Edmund Syson, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 107.

levels of female employment in factory and mill settings was a characteristic of significant numbers of Lancashire and Yorkshire towns.[207] Whilst female mill workers were amongst the highest paid working-class women in Britain, male wages were comparatively poor compared to other occupations, so that 'male wages alone were not enough to keep the family above the poverty line.'[208] Indeed, Sian Pooley has argued that for a working-class woman in a textile town, 'wage earning [was] a proper part of her responsibilities as a mother.'[209] It might be argued that this acceptance of wage-earning as part of a working class woman's duties extended to both women engaged in formal employment and also to those who looked after children in exchange for money. This view was not shared by committee member George Melly. He was the Liberal MP for Stoke-on-Trent, a town which had similarly high levels of female employment. Melly stated that he did everything in his power to try to 'prevent married women from working in the factories.'[210] Melly's interjection notwithstanding, the evidence from the Manchester and Scottish witnesses highlighted marked regional differences in patterns of paid-childcare and the meanings attached to them.

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[207] It was not a pattern exclusively confined to textile districts in the Northwest of England. Occupational categories employing disproportionate numbers of mothers have also been studied, notably women employed in the Staffordshire potteries and the Dundee jute industry. For example, Jacqueline Sarsby, *Missuses and mouldrunners: an oral history of women pottery workers at work and at home,* (Milton Keynes, 1988); Eleanor Gordon, 'Women, work and collective action: Dundee jute workers 1870 – 1906', *Journal of Social History,* 21,1 (1987), pp. 27-47.

[208] Elizabeth Roberts, *A woman's place: an oral history of the working class,* (Oxford:1994), p. 146

[209] Sian Pooley 'Childcare and Neglect', p.237.

[210]Evidence of Walter Whitehead, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 153.

In addition to these perceived regional differences in the evidence presented before the committee, it is possible to see judgements being made about which children in paid-childcare were most at risk. A consensus emerged that children taken for lump sum payment were most vulnerable, whilst those minded by the day were least at risk. Syson's evidence before the committee was significant in that it belied the notion that the medical profession spoke with a single voice. Whilst Syson was not exactly approving of the system of day-minding that operated in Salford, he did not express the outright hostility which Hart, Curgenven and Cameron had meted out to women engaged in paid-childcare provision and Syson might be best characterised as accepting this regional trend. Whilst Whitehead advocated inspection of lump sum and weekly childcare, he claimed that day-minding was undertaken from mixed motives, 'there is a feeling of kindness...it is done partly out of kindness and partly for a little addition to the general income of the family.'[211] In many ways the regulation of day-minding was even more difficult to tackle than lump sum and weekly paid-childcare. Any attempts to regulate the child-care arrangements of children still living with their parents would be construed as a direct attack on parental authority and the sanctity of the home. Opposition would appear to have come from factory owners, who lobbied against regulation of day-minding as it would have limited their ability to employ married women. There is no evidence of direct intervention, but the *Pall Mall Gazette* complained bitterly that

[211] Evidence of Walter Whitehead, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 162.

Charley's original Bill was watered down 'out of deference to objections raised by the factory owning population.'[212]

Philanthropy and the Select Committee

Whilst medical men formed a majority at the committee, evidence was also taken from representatives of charitable bodies. They were generally organisations that specified in philanthropic work. Taken as a whole these witnesses had very little or no direct experience of paid-childcare and the philanthropists did not detain the committee long. It is noteworthy that a number of witnesses appearing in front of the committee had little direct experience of paid-childcare. Susan Meredith, the treasurer of the Female Prisoners' Aid Society, had had no direct contact with paid-childcarers, yet this did not prevent the committee from seeking her view or her expressing it, in comparatively strident terms, in favour of 'state supervision and state inspection.'[213] It would be the testimony of the other female witness called before the committee, Mrs Jane Dean Main of the Refuge for the Deserted Mother and Child, who offered a strikingly different solution to the problem of paid-childcare.[214] In some ways, Main's approach was similar to the position adopted by NVADPR, that regulating the terms on which the

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[212] 'Occasional Notes', *Pall Mall Gazette,* 1 November 1872, p. 8.

[213] Evidence of Susan Meredith, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 224.

[214] The Refuge for the Deserted Mother and Child was a philanthropic venture that provided medical care and accommodation for unmarried mothers after they had given birth. The Refuge had close links with both the Foundling Hospital and Queen Charlotte's Hospital. A fuller account of the formation and activities of the Refuge for the Deserted Mother and Child can be found in Jessica A. Sheetz-Nguyen, *Victorian women, unwed mothers and the London Foundling Hospital,* (London;2012) pp. 149-152.

children of unmarried mothers could be looked after in exchange for money, merely addressed the symptoms rather than the cause of the problem. Main argued that despite almost overwhelming social and financial pressure to rid themselves of their infants, she had always found that unmarried mothers she had encountered were 'willing to do anything if they can only support their infants.'[215] Main asserted that the need for paid-childcare could be greatly reduced if 'they could have 2s 6d a week ... that would be a great deal towards supporting the child.'[216] The committee members did not appear to devote serious attention to Main's suggestion, but it is worth noting that she was the only witness who offered a solution to the 'problem' of paid-childcare, that was not predicated on the separation of mother and her child.

The Select Committee Reports

Whilst Main's suggestion appears to have been dismissed out of hand, the accounts offered by the Camerons and ILPS witnesses was seemingly absorbed by a credulous Select Committee, despite as this chapter has explored, that evidence being at best partial and at worst misleading .[217] In relation to paid-childcare in Scotland, the committee concluded that in the main, children in Scotland were 'put out to hire with the acknowledgment

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[215] Evidence of Jane Dean Main, Minutes of Evidence, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. 216.

[216] *ibid.*

[217] The Select Committee largely took evidence at face value and with the exception of John Bowring, Clerk to the Guardians of the City of London Union, who received an extremely hostile examination over the peripheral issue of workhouse admission policy, evidence was largely taken at face-value.

that they should die quickly' and that 'baby-farming in the great towns of Scotland is criminal in character.'[218] This sweeping judgement was based solely on the unconvincing evidence of William and Charles Cameron of the *North British Daily Mail.*

A more charitable assessment of the Select Committee's work would acknowledge that they were attempting to come to terms with what was perceived as a new and deeply troubling cultural phenomenon. In this light the Select Committee could be best seen as an attempt to uncover the extent and nature of the problem. In the Select Committee's report it was acknowledged that 'it was only the trial of Margaret Waters and Mary Hall that has brought to life the manner in which criminal baby-farming is practiced, before it was impossible to detect them.'[219] It should also be acknowledged that in their final report, the Committee attempted to balance the risks posed by unregulated paid-childcare against widespread distaste for intervention in the 'private' world of the family. Despite Hart and Wiltshire's claims to the contrary, the Committee's report drew a clear distinction between cases 'where the children were put out to nurse with the deliberate intention that they should die very quickly and cases where the children are bona fide entrusted to the care of others, either in the daytime or by the week, so that their mothers may return to their usual

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[218] Report, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII., p. xii.

[219] Report, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII. ,p. iii. Mary Hall was the co-accused in the Waters trial, she was acquitted on the charges of murder, but was sentenced to 18 months for obtaining money under false pretences.

employments.'[220] It is particularly noteworthy that the committee's final report established a very narrow definition of criminality and neglect in relation to paid-childcare. The report stated that the tendency of 'the person in charge will usually have an increase her own profits' at the expense of the infant in their care, but asserted that this did not constitute neglectful, let alone criminal behaviour.[221] In the end, the committee recommended that 'there should be a registration of persons who take for hire two or more infants of less than one year for a longer period than one day, but so guarded as not to interfere with temporary arrangements of an unobjectionable character.'[222] Such a compromise meant children left with day nurses were outside the scope of the law altogether. The committee's decision to require registration, but not to set up any mechanism for inspection, displays all the hallmarks of a classic fudge and appeared illogical. On initial inspection it is tempting to endorse Hendrick's belief that the Act was a 'failure in both conception and practice.'[223] However the exclusion of single child cases did have a certain logic to it. The evidence presented before the committee, reinforced by the revelations of the Waters trial had led them to believe that the infants most at risk were those placed in large-scale 'baby-farms'. The fact that subsequent events proved that the large scale 'baby-farm' was very much the exception and that women who

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[220] *ibid.*

[221] Report, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII. , p. v.

[222] Report, July 1871, Select Committee on the Protection of Infant Life, HC Select Committee, No. 372, Vol. VII. , p. viii.

[223] Harry Hendrick *Child Welfare England,* p. 64.

took in one child were equally capable of murdering them could hardly have been anticipated. In producing their final report the Select Committee had, however clumsily, sought to strike a balance between parental autonomy and the need to be seen to address the perceived excesses of women rumoured to be taking large number of children in exchange for money.

Into law and the aftermath

The conclusions of the report, whilst stopping far short of what the ILPS had demanded, gave W.T. Charley, the basis for a Bill that would be unobjectionable enough to neutralise objections in Parliament. Nevertheless, at the Bill's second reading, Charley was attacked by MPs both in favour and opposed to the Act. Henry Winterbotham, the Liberal MP for Stroud, complained bitterly that the legislation was too draconian stating that, 'the penalties proposed were rough. Six months' imprisonment, under the summary jurisdiction of a justice of the peace, was, in his opinion, a severe penalty for what might be a mere accidental infringement of the law.'[224] At the same time he was facing down criticism from Spencer Walpole that his Bill was not stringent enough and that 'the measure ought to be more stringent or they would fail to remedy evils complained about.'[225] Despite this, the *Infant Life Protection Act* was given the Royal Oath on 30 May 1872 and on the 1 November 1872, became law.[226]

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[224] Henry Winterbotham, 6 March 1872, HC deb., *Hansard,* Third Series, vol. 209, col. 1500.

[225] Spencer Walpole, 6 March 1872, HC deb., *Hansard,* Third Series, vol. 209, col. 1493.

[226] William Charley, 30 May 1872, HC deb., *Hansard*, Third Series, vol. 211, col. 146.

In its final form the Act required those who took more than one infant for a period of more than 24 hours for 'hire or for reward' to register their home with local authorities if they wished to maintain 'infants apart from their parents for a longer period than twenty-four hours.[227] In addition to the requirement to register, paid-childcarers were required to give notice to the coroner of any children who had died in their home. Local authorities were able to refuse registration of a home if they considered the premises to be unsuitable or the person seeking the registration was not 'of good character [or] able to maintain such infants.'[228] Any such breaches of the new law could be punished by the way of six months imprisonment or a fine of £5. But along with exempting single child cases and day minders, the Act did not apply to children looked after for money by relatives, charitable bodies or in other institutional settings, leaving significant numbers of children beyond the reach of the law.[229] Perhaps the most glaring omission was the Act contained no mechanisms for inspection of the infants being looked after for money. In effect local authorities were being asked to make a character judgement of the woman applying to take a child, rather than ensure that the welfare of any children in her charge. These exemptions would remain

[227] *Infant Life Protection Act*, 1872, 35 & 36 Vict. c.38, cl. 2.

[228] *Infant Life Protection Act*, 1872, 35 & 36 Vict. c.38, cl. 4.

[229] Even after the legislation was significantly amended in 1897, Ruth Homrighaus *Baby farming* p.186. estimated that at least three-quarters of paid-childcare providers were exempt from registration. The 1897 Infant Life Protection Act is dealt with in Chapter Five.

contentious and would be revisited by subsequent Select Committees in 1890, 1896 and 1908.[230]

Reaction to the new Act was mixed. The local authorities tasked with implementing this new Act took little action to ensure it was complied with. As Chapter Five will discuss, a number of major cities did not register a single woman under the terms of this Act. The Metropolitan Board of Works (hereafter MBW) was responsible for ensuring the Act was complied with in the capital proved to be the exception. The MBW attempted to alert people to the change of the law by placing advertisements in the London papers and distributing handbills through local police stations. [231] Nonetheless the MBW would not appoint anyone to enforce registration until 1890. Opinion in the press was equally divided. The *Pall Mall Gazette* asserted that the Act 'had been maimed of its most useful provisions, those referring to inspection and supervision of one child at a time, out of deference to complaints raised by the factory population ... the only hope for these children lies in such post–mortem retribution that the coroner's jury can afford.'[232] The *Standard*, whilst also acknowledging that the Act 'does not deal with a very common evil in the manufacturing districts, where factory

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[230] Report, August 1890, Select Committee on the Infant Life Protection Bill, HC Select Committee, No. 346, Vol. XIII ; Report, August 1896, Select Committee of the Infant Life Protection Bill, House Of Lords Select Committee (hereafter, HL), No. 342, Vol. VII ; Report, March 1908, Select Committee on Infant Life Protection, HC Select Committee, No. 99, Vol. IX.

[231] 'Multiple Advertisements and Notices', *Standard,* 9 October 1872, p.5. The text of this advertisement read: Advertisements in the London papers, placed by the Metropolitan Board of Works, informed the public that, 'it becomes unlawful for any person to retain, receive for hire or reward more than one infant for the purpose of nursing or maintaining such infants apart from their parents for a longer period than 24 hours.'

[232] 'Occasional Notes', *Pall Mall Gazette* 1st November 1872, p. 8.

hands entrust their infants to minders who keep them whilst their mothers are at work,' claimed that 'women of the Waters and Winsor type who did brisk business in their line may look upon the 1st November as the blackest of black letter days.'[233] The *Standard* also emphasised that the Act was of 'an experimental character and if it should fulfil the expectations of its promoters, Parliament will not be unwilling to extend its provisions to cases which do not fall within it.'[234] The rapid extension of this Act, so confidently predicted by *The Standard* did not come to pass. It would be another 19 years before a committee would meet again to consider extending legislation pertaining to paid-childcare and a further seven years before the 1872 *Infant Life Protection Act* would be amended.

Along with being the primary piece of legislation governing paid-childcare until 1897, the wider cultural legacy of the 1872 *Infant Life Protection Act* was significant. After its passage into law there was no sustained pressure for the law to be repealed, standing in stark contrast to the ongoing feminist campaigns against the CD Acts once they passed into law.[235] It would seem that the principle of legislation in the area of paid-childcare was conceded, or at the very least no longer actively contested after 1872. Subsequent

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[233] 'The Protection of Infant Life', *Standard,* 1st November 1972, p. 5.

[234] *ibid.*

[235] A notable exception to this was a series of journal articles written by the women's rights campaigner Elizabeth Wolstenholme Elmy, 'Practical work for women workers', *Shafts* 4:4, (1896) p.45 ; 'Practical work for women workers' *Shafts* 4:6 (1896), pp. 69-70 ; 'Practical work for women workers' *Shafts* 4:7 (1896), pp. 87-88. These articles appeared in the feminist journal *Shafts* as Parliament was debating the 1897 Infant Life Protection Bill. Elmy's opposition to the Bill was interesting as it stood in contrast to the gender-neutral approach of the NVADPR, Elmy's articles question the right of an exclusively male legislature to pass a law that would disproportionately affect women. For a more detailed consideration of Elmy's input see Daniel Grey 'Discourses of infanticide', pp. 329-332.

Select Committees held in 1890, 1896 and 1908 were almost exclusively concerned with the merits of extending the terms of the Act to groups excluded from the 1872 Act, rather than the principle of regulation itself.

Conclusion

As has already been noted in this chapter, the Act effectively codified a particularly narrow range of paid-childcare practices as problematic and subjected them to legislation, whilst leaving many outside the scope of the law, much to the fury of ILPS. However, it could be argued that whilst the ILPS's representation of paid-childcare as murderous 'baby-farming' proved effective in forcing the issue of paid-childcare onto the political agenda, it was arguably too successful and it was the reductive discourse of the murderous 'baby-farmer' that limited the possibility of more comprehensive legislation. By weaving a narrative based on the aggregation of large numbers of newborn infants in single premises by malevolent women, the ILPS attempted to write out the complexities and regional variations in the practice of paid-childcare. In simplifying the nature of the problem, it should have come as little surprise to the ILPS that Parliament offered a simple solution tailored to the group the ILPS had defined as most at risk. Equally when Parliament faced pressure to moderate the Act, it was seen as expedient to exempt older children and those in single-child households, perceiving them not to be at risk. The nature of the investigations that formed the source material for these investigations will be discussed in more detail in Chapter Three.

3.

Baby-farming detectives:

Investigating paid-childcare

1867-1895

Introduction

As Chapter Two documented, a number of middle-class men sought ways to forcibly insert themselves into narratives of paid-childcare. Ernest Hart, editor of the *BMJ* and Charles Cameron, proprietor of the *NBDM* had an important role in shaping the report produced by the 1871 Select Committee. Whilst the previous chapter was primarily concerned with how these witnesses sought to shape definitions of, and offer solutions to, the 'problem' of paid-childcare within the space of the committee room. This chapter attempts to explore the investigations themselves. Hart and Cameron were not alone in making claims to knowledge based on direct contact with paid-childcare providers and representing their encounters as dramatic first-person narratives. Along with the *BMJ* (1868) and *NBDM* (1871) accounts, similar investigations were conducted by James Greenwood (1869) and Fanny Hodson (1870). Given that these investigations occurred within a short timeframe and adopted a near-identical methodology, it is productive to compare the rhetorical devices and the representations of the women offering paid-childcare studied in the course of their investigations. In particular, this chapter will explore the practice of representing these interventions as quasi-police investigations, casting themselves as a 'detective' and the women they encountered as 'suspects.'

This imaginative construction remained a powerful influence in shaping attitudes to paid-childcare and, perhaps more significantly, to the women who practised it. This chapter will explore how this trope shifted across time and the consequences of representing such encounters in this manner. It

will also explore detective investigations that occurred in the second half of the period covered by this thesis. Whilst the investigations conducted by the *Sun* (1895) and the National Society for Prevention of Cruelty to Children (1890-1896) employed similar methods, these investigations occurred in a vastly different cultural and political context.

The practice of largely male, middle-class writers constructing first person narratives based on their encounters with the urban poor was by no means confined to accounts of paid-childcare. Judith Walkowitz argued that from the mid-point of the nineteenth century, London saw socially and politically 'engaged urban explorers who roamed the city with earnest (if still voyeuristic) intent to explain and resolve social problems.'[236] In their records of their encounters these writers attempted to make the disorder and chaos of the city 'integrated, knowable and ordered.'[237] Perhaps the most extreme version of this process of imposing order on chaotic urban space can be found in Charles Booth's poverty maps, which divided the city up on a street by street basis according to income.[238]

Whilst the portrayals produced by the writers examined in this chapter can be usefully thought of as belonging to this broader tradition of cross-class

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[236] Judith Walkowitz, *City of dreadful delight*, p.18. Key works by these so called urban explorers include: Henry Mayhew, *London labour and the London poor* vols. 1-4, (London:1861) ; Andrew Mearns, *The bitter cry of outcast London,* (London: 1860); Jack London, *The people of the abyss* (London: 1903) ; George R. Sims, *How the poor live,* (London:1889). Whilst this was predominately a male tradition a number of women adopted a similar approach. Notably, Mary Higgs, *Glimpses into the abyss* (London:1903). Nor was this approach confined to London, a parallel tradition of urban exploration existed in Glasgow and is covered later in this chapter.

[237] *ibid.*

[238] Charles Booth, *Life and labour of the people of London,* (London:1889).

urban encounters, it is important to draw outside some critical ways in which these accounts differed. The preferred mode amongst urban explorers was to represent their visits to the East End in an emotionally detached manner. Stylistically these reports drew heavily on the nascent discipline of anthropology and represented their short journeys into East London as ethnographies of a hitherto unknown people and landscape. Amongst the writers, who used this technique to guide their readers through the teaming streets of the Metropolis, was George R. Sims, who described his 1889 work *How the poor live* as 'as a 'book of travel to a separate continent.'[239] William Booth's *Into darkest England* expanded on this metaphor and drew a parallel with Henry Morton Stanley's exploration of Africa. Booth claimed that 'within a stone's throw of our Cathedrals and Palaces [were] similar horrors to those which Stanley has found existing in the greatest Equatorial forest.'[240] Whilst the pose of a studied neutral observer bellied the value-judgements they made over the causes and solution to the poverty they saw, they nevertheless sought to distance themselves from the events they were describing, impose order and convey a mastery of the landscapes they depicting.

Playing Detective

By contrast, the accounts offered by Hart, Cameron, Hodson and Greenwood were altogether more vital. Rather than presenting themselves as mere observers and guides, they cast themselves as the protagonists in a detective

[239] George R. Sims, *How the poor live*, p. 5.

[240] William Booth, *In darkest England and the way out,* (London:1890), p. 4.

enquiry, with the personal capacity to expose individual wrongdoing and ascribe blame. This was reflected in the language used by the authors to describe their purpose of their enquiries: Hart described his investigation as an 'act of detection' and James Greenwood asserted that his avowed aim was to 'trap the villains' and expose their crimes before his readership.[241] Similarly Cameron promised to secure justice for children kept in so called 'baby-farms' by 'waging war' on their behalf.[242] In the case of Cameron, the belief in the efficacy of their detective investigation boarded on the messianic, claiming that, in doing so, they would destroy the entire system of 'adoption murder' in the course of their investigation.[243]

That all four pieces adopt the same model of a structured, undercover investigation aimed at detecting a specific 'crime' warrants further investigation. The authorial pose as an amateur baby-farming detective was shaped by powerful literary and cultural forces. At the beginning of the period covered by this thesis, the detective - both fictional and real - was a comparatively new character on the urban scene. The Metropolitan Police's detective force had been founded in 1842 and by 1862 was still a modest operation consisting of only 16 officers.[244] Despite the meagre scale of the capital's detective force, the figure of the detective was increasingly assuming a growing role in the public's imagination. Yet Clive Emsley has

[241] Baby-Farming and Child Murder', *BMJ,* 25 January 1868, p. 59 ; James Greenwood, *The seven curses of London,* (London:1870), p. 36.

[242] 'Baby Farming in Scotland: 4th report ',*NBDM,* 2 March 1871, p. 4

[243] *ibid.*

[244] Simon Joyce, *Capital offenses: geographies of class and crime in Victorian London* (Charlottesville: 2003), p. 122.

asserted that this new body was not seen as an unalloyed good and had to ward off allegations that they were state spies.[245] Nevertheless, Peter Thoms has identified the middle years of the century as the moment when the detective began to shake off his slightly unsavoury image and acquired a 'new found respectability.[246]

This new status is amply demonstrated in an article written by Charles Dickens for his *Household Words* magazine during 1851 who provides glowing testimony for the competence of the Metropolitan Police's detective division. In particular, an obsequious Dickens lavished praise on one particular officer, Inspector Field. In a highly impressionistic account of entering a thieves' den, Dickens described the effect that Field had upon the assembled cast of villains:

> Every thief here cowers before him, like a schoolboy before a schoolmaster. All watch him, all answer him when addressed, all laugh at his jokes, all seek to propitiate him ... all Rats' Castle shall be stricken with paralysis, and not a finger move against him as he fits the handcuffs on.[247]

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[245] Clive Emsley, *Crime and society in England 1750 – 1900* 3rd Edn. (London: 2005), p. 241. Emsley has argued that this fear was not baseless and was rooted in painful folk memories of secret agents employed against English Jacobins and Regency radicals. Alongside considerable discomfort about the very notion of a detective force, profound questions were posed about the efficacy of the officers selected for detective work. Emsley asserted that this perception was not helped by the intelligence failures ahead of the so-called Fenian outrages of 1867.

[246] Peter Thoms, *Detection and its designs; narrative and power in 19th century detective fiction* (Athens: 1998) p. 11 ; See also, Phil Cohen, `Policing the Working Class City', in Bob Fine *et al. (eds) Capitalism and the Rule of Law* (London: 1979) pp. 118- 136.

[247] On duty with Inspector Field', *Household Words,* 14 June 1851, p. 268.

This account of the near-superhuman capacities of Inspector Field does not merely serve as a homily to one particular detective officer, but also as a validation of the role of the detective more generally and his capacity to survey and exert almost total control over the urban scene. Equally interesting is Dickens's practice of setting himself as an unworldly outsider, following meekly in the shadow of Inspector Field. The contrast between the worldly Field and the inexperienced Dickens is extremely pronounced. It could be argued that this was a deliberate ploy in which the faux naïf Dickens symbolically stands for the public at large, who remain ignorant of the activities of the Metropolitan police's detective unit and the detectives' role in ensuring their ongoing safety and symbolically restoring order.

The figure of the detective also began to feature in Dickens's fictional output, notably in the figure of Inspector Bucket in *Bleak House* (1853), whom it is believed was modelled on Inspector Field.[248] The figure of the 'celebrity detective' was further developed in *The Moonstone* by Dickens's protégé, Wilkie Collins, who, in 1868, published what is widely considered to be the first full length detective novel. As Field provided the basis for Dickens's Inspector Bucket, *The Moonstone's* Detective Sergeant Cuff was modelled upon the real-life Inspector Jack Whicher.[249] Whicher had been one of the founding members of Scotland Yard's Detective Branch and during the early 1860s had achieved national prominence due to his

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[248] Haia Shpayer-Makov, *The ascent of the detective: police sleuths in Victorian and Edwardian England,* (Oxford:2011), p. 197.

[249] Patrick Brantlinger, 'What Is "Sensational" About the "Sensation Novel"?'*Nineteenth-Century* Fiction 37:1, (1982), pp. 1-28.

involvement with the Road Hill House Murders.[250] The detective, both real and fictional, appeared, by the late Victorian period, to be a pervasive cultural figure.

When the investigations are placed within this literary and historical context, it seems unsurprising that, in the wake of the newly fashionable detective novel, a number of writers would style their own attempts to explore paid-childcare through 'detective investigations' and used detective fiction as a stylistic model. These reports, often highly stylised and melodramatic in their use of language, bear striking similarities to the detective fiction of the same period. Anne Humphreys noted that crime fiction often contained lengthy discussions about current events and controversial topics that were 'nearly indistinguishable from those [accounts] that appeared in *Reynolds's Newspaper*.'[251] This blending of reportage and fiction certainly appears to be present in ostensibly 'factual' accounts of encounters with paid-childcarers. It is also possible to detect the influence of crime fiction in their formal structure. The reports in the *BMJ* and the *NBDM* are presented in serialised form, with each subsequent instalment offering ever more lurid revelations. Whilst not presented in serialised form, the remaining two accounts produced by Greenwood and

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[250] For newspaper accounts of the investigation into the Road Hill House murder, see 'The child murder at Road', *Morning Post,* 18 July 1860, p. 7 ; 'Late child murder at Road: apprehension of Miss Constance Hill', *Pall Mall Gazette,* 22 July 1860, p. 7. The role of Jack Whicher in this investigation is explored in ; Haia Shapyer-Makov, *The ascent of the detective,* pp. 43-47.

[251] Anne Humphreys, 'Generic Strands and Urban Twists: the Victorian Mysteries Novel', *Victorian Studies,* 34:4 (1991), p.460.

Hodson build tension across the piece and present a gradual unravelling of the truth.

Developing the detective model: Ernest Hart ,*British Medical Journal*, 1868.

Whilst the investigations undertaken by Hart, Hodson, Greenwood and Cameron follow the same investigative framework, there are some significant differences in tone and approach that are worthy of explanation. The first of these investigations to appear was conducted by Ernest Hart and his assistant Alfred Wiltshire. As discussed in Chapter Two, Hart had been instrumental in driving the topic of paid-childcare up the political agenda. When Hart was ready to conduct his investigation, he had been campaigning on the issue of paid-childcare for over 14 months. During this time he had also begun to establish himself in the role of editor of the *BMJ* and was beginning to affect a revolution in the journal's fortunes. Peter Bartrip has characterised this as transforming the *BMJ* from a 'comparatively modest, obscure, low-circulation, and impecunious medical weekly, into a large, prosperous, highly respected, and mass-circulation journal.'[252] From the first editions under Hart's control, the *BMJ* had shown a willingness to tackle wider social issues. [253] However, the investigation that Hart planned into paid-childcare would be far more ambitious and, as Chapter Two has established, cemented his role as an authority on the topic.

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[252] PWJ Bartrip, *Mirror of medicine,* p. 97.

[253] This is indicated in the manner in which the paper introduced a regular Medico-parliamentary column and began to introduce campaigning pieces. PWJ Bartrip, *Mirror of medicine,* p. 100 has asserted that this new focus was reflected in the way that the first two issues under Hart's control contained lengthy pieces on hygiene in the Royal Navy and the prevalence of industrial disease in various occupations.

The technique employed by Hart, whilst hardly sophisticated, may be considered as the archetype for the investigations that followed. As the Introduction to this thesis has established, the classified advertisement expanded the scale over which women offering paid-childcare could operate, yet it also exposed them to the scrutiny of those such as Hart, who sought to bring their practices under greater regulation. Hart selected the *Clerkenwell News,* a south London newspaper that was renowned for the number and frequency of advertisements placed by paid-childcare providers, to insert a bogus notice requesting the services of these women. Wiltshire and Hart's advertisement appeared in the paper multiple times during the winter of 1867 and read as follows:

> Adoption. The Advertiser wishes to dispose of a child in three weeks' time; 40*l* will be given as a premium and suitable clothing.[254]

The advertisement attracted a total of 333 responses. It should be noted that the £40 that the advertisement promised, whilst not an astronomical sum for taking a child absolutely, was towards the upper end of what paid-childcare providers could charge with a sum of between £5 to £15 being more usual.[255] Hart and Wiltshire, a man described in the first article of the series as 'a physician we can rely upon on wholly for accuracy and honour'

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[254] 'Baby-Farming and Baby-murder', *BMJ,* 8th February 1868, p.127.

[255] City of Edinburgh Police, *Inquiry regarding persons resident in Edinburgh,* p. vi.

arranged to meet with a selection of the childcarers who had responded to the advertisement.[256]

The two eminent physicians spent the last few months of 1867 crisscrossing South London's streets 'masquerading as the father[s] to be' of an illegitimate child whom they wished to place with a woman as quickly and discretely as possible.[257] Wiltshire and Hart's subterfuge allowed them to interrogate paid-childcare providers and observe their homes. Their undercover investigation provided the raw material for Hart to compile a series of four articles that appeared in the *BMJ* between January and March 1868. In a lengthy prologue to his findings, Hart reminded his readership that 'exposing the details of 'the system of baby-farming and baby-murder terms frequently convertible' had not proved to be 'difficult of detection, for the clues have fallen almost spontaneously into our hands.'[258] However, the substance of an investigation that promised to expose widespread wrong doing did no such thing. Firstly, the primary focus of the earlier articles was not on paid-childcare at all, but was largely concerned with illegal abortions performed in private lying-in establishments run by unqualified midwives. Hart claimed that he had encountered a 'sleek looking business woman' offered to get 'the woman out of it all together'[259] The 'farming' out of the child for a sum of £50 was mentioned as a possibility

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[256] *'ibid.*

[257] Baby-farming and child murder', *BMJ,* 25 January 1868, p. 75.

[258] *ibid*

[259] 'Baby-farming and baby-murder', *BMJ,* 8 February 1868, p. 128.

should the pregnancy be too far advanced for the termination to be successful. Hart's narrative succeeded in muddying the distinction between the wholly legal business of taking in a child in exchange for a fee, with illegal abortions hinting at a 'widespread conspiracy' between these two groups of women.[260]

It would only be in the final article that Hart would focus exclusively on paid-childcare and the only occasion where he would interact directly with the women who offered it. Hart conceded that his proposed payment of £40 had been unduly generous and he asserted that 'any number of children could be disposed of at £10 a head.'[261] Hart also reluctantly conceded that a number of the respondents to his advertisements may not have intended to murder any of the infants they acquired, but argued that they lacked either the skills or the inclination to successfully hand-feed infants, arguing that in many of these cases 'far too often hands only, and not *hearts* [original emphasis] and hands, are engaged in that duty.'[262] Even in acknowledging a lack of criminal intent amongst some of the women he encountered, Hart cast them as ignorant and uninterested in safe child-rearing practice.[263]

However, of the two women he documented in great detail, Hart clearly considered them to intend harm to the children in their care, describing the

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[260] Ruth Homrighaus, 'Wolves in women's clothing', p. 357.

[261] 'Baby-farming and baby-murder', *BMJ,* 28 March p. 301.

[262] *ibid.*

[263] The difficulties associated with hand-feeding children during a time when safe and affordable formula was not available is discussed in Chapter Four of this thesis.

actions of the women he encountered as 'sly' and 'furtive.'[264] Regardless the bulk of the article was given over to what was presented as a formal report compiled from Hart's 'mass of notes accumulated during the conduct of this inquiry.'[265] Whilst this account was seemingly explicitly modelled on a police case file, Hart's account was not the sober piece of analysis it purported to be. There is a discontinuity between the formal structure of the piece and the somewhat melodramatic language and fanciful conclusions Hart reached. In an earlier article, Hart promised to provide his readership with 'proofs of guilt' that infants looked after by paid-childcarers were murdered on an almost industrial scale.[266] This last article in the series fell well short of this goal and did not turn up anything that conclusively proved that children were being systematically neglected let alone killed. In the absence of concrete proof, guilt was implied, rather than stated. The best that Hart could manage was a vague and unsubstantiated suspicion that a substance added to a child's food may have been poison rather than sugar as its carer had claimed. Nevertheless on the basis of this, he felt confident enough to proclaim that the chances of any child surviving in this woman's care 'would be very small indeed.'[267] A good deal of Hart's analysis is taken up with commenting on the cleanliness of both the homes and their inhabitants. On entering the first property, one of Hart's first observation was that he found 'bundles of dirty clothes,' in the hallway. Later in the same account he

[264] 'Baby-farming and baby-murder', *BMJ,* 28 March p. 301.

[265] *ibid.*

[266] 'Baby-Farming and Baby-murder', *BMJ,* 8 February 1868, p. 127.

[267] *ibid*, p.302.

passed comment on 'the coarse and dirty shoemaker's apron' worn by the husband of the interviewee and the 'dirtier still pinafore' worn by her adult daughter.[268] Dirty clothing worn by adults would appear to be incidental to the issue of whether satisfactory care was offered to the infants they were responsible for. In the absence of compelling evidence, the repeated reference to dirt helped to raise questions over the moral character of those living within the house. As Tom Crooks has asserted, dirt was not merely a sign of physical decay, but moral decay also.[269]

This was not the most jarring element in what purported to be a factual account of Hart's engagement with paid-childcarer. Hart presented himself as an all-seeing narrator, capable of divining the thoughts and feeling of other characters within the narrative. This is most striking when Hart encountered an emaciated infant who he declared to be too '*afraid to cry.* ' [original emphasis].[270] This inclusion is significant and may alter the way the *BMJ* accounts are viewed. Dorrit Cohn has claimed that one of the defining characteristics of fictional writing is the inclusion of the 'interior subjective experiences to which no writer could accede to in real life.'[271] The use of such techniques raises powerful questions over whether Hart's reports should most usefully considered as reportage or fiction.

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[268] 'Baby-farming and baby-murder' *BMJ* 28 March p. 301.

[269] Tom Crooks 'Putting matter in its right place: dirt, time and regeneration in mid-Victorian Britain', *Journal of Victorian Culture*, 13:2 (2010) pp. 200-222.

[270] *ibid.*

[271] Dorrit Cohn, *The distinction of fiction,* (Baltimore:1999), p. 24.

The detective investigation as entertainment: James Greenwood, *The seven curses of London,* 1869.

Despite the failure of the Hart's investigation to turn up anything approaching definitive proof of infant murder, the impact of Hart's investigation reverberated far beyond the readership of the *BMJ* and truncated versions of his findings appeared in the regional and national press.[272] Whilst in terms of locating murderous child-carers the investigation had proved a failure, it had served the agenda of Hart and his colleagues in the ILPS well. It had proved instrumental in galvanizing their message that the overwhelming majority of childcare performed for money was dangerous and undertaken with criminal intent. Given the impact of such pieces, it should not prove surprising that others would attempt to replicate the investigation for a wider reading public. Amongst them was the writer James Greenwood.

Greenwood was one of the era's most prolific and prominent journalists and by the time his book *The seven curses of London* was published in 1869, he had developed a formidable reputation for chronicling his journeys through the seamier areas of the metropolis. Greenwood had played a role in popularising the undercover investigation as a journalistic device. He revelled in the self-applied nickname of the 'amateur casual,' which he adopted after a notable episode in which he managed to gain admission to a

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[272] 'Baby-farming and baby-murder', *Sheffield Independent,* 10 February 1868, p. 3 ; 'Baby farming and baby murder' *Liverpool Mercury* 11 February 1868, p. 5 ; 'Baby farming and baby murder', *Glasgow Herald,* 12 February 1868, p. 4.

workhouse casual ward, whilst disguised as a homeless man. [273] The debt that other 'baby-farming detectives' owed Greenwood is clear. Fanny Hodson, who documented her own survey of paid-childcare in the letters page of *The Times,* cited Greenwood as a source of inspiration. Hodson expressed considerable trepidation upon commencing her own investigation, but declared: 'like the "amateur casual" when on the brink of the grimy bath I gave my courage an extra turn of the screw'.[274]

Greenwoood's fortitude when confronted with the workhouse bath offered Hodson succour during a moment of self-doubt, but it is clear that Greenwood also owed a debt to Hart's investigation conducted nearly two years before Greenwood's own work appeared. The structure of the investigation had been taken wholesale from Hart's *BMJ* reports. Greenwood posed as the father of an unborn infant and placed classified advertisements for a woman to take the child. In exchange for a rapid and discreet transfer of the child shortly after its birth, Greenwood promised a significant one-off fee. Along with adopting the same methods as Hart, Greenwood also used the language of the detective investigation to describe his endeavour, describing it as an exploration into 'the depths of social mysteries. I made it my business to invade the den of a child-farmer.' [275]

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[273] James Greenwood, *A Night in the workhouse: from the Pall Mall Gazette,* (London:1866) ; Seth Koven, *Slumming,* pp. 25-46, contains a close and engaging reading of this text.

[274] 'Letters to the editor', *The Times,* 14 July 1870, p. 4. Seth Koven, *Slumming,* p. 39 argued that the centrality of the scene where Greenwood enters a grimy communal bath as the episode that attracted the most comment and attracted widespread 'praise for his heroic self sacrifice... in violating bourgeois taboos around personal hygiene.'

[275] James Greenwood, *The seven curses of London,* (London:1869), p. 36.

Despite these formal and stylistic similarities, Greenwood's account is significantly different from the approach adopted by the *BMJ*. Unlike Ernest Hart, who enjoyed parallel careers as a physician and campaigner, Greenwood was first and foremost a journalist. Greenwood's offering is devoid of claims to medical or anthropological rigor. It is difficult to demur from the judgement of Jeffrey Richards, that *The seven curses of London* was 'impressionistic rather than statistical, emotional rather than analytical.'[276] It is also striking that amongst all of the investigations conducted into paid-childcare, Greenwood is unique amongst 'baby-farming detectives' in that his report contains humour, albeit dark humour. Mr and Mrs Oxleek – the baby farmers Greenwood traced through a classified advertisement – are portrayed as almost picaresque figures rather than as inherently evil or broken down alcoholics. In particular the description of the oafish Mr Oxleek, a 'pipe-sucking, beer-swilling, unshaven, dirty ruffian' who sat nursing a baby 'reposing against his ragged waistcoat in the pocket of which his tobacco was probably kept' was presented as a figure of fun, rather than pure malevolence.[277] Upon his arrival at the Oxleek's home, Greenwood was mistaken for a doctor and he engaged in a lengthy conversation, at cross-purposes with the Oxleeks, which allowed him to elicit information about the medical treatment the children in the house had received.

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[276] Jeffrey Richards, 'Introduction', in James Greenwood, *The seven curses of London* new edn., (Oxford: 1981), p. viii.

[277] James Greenwood, *The seven curses of London,* (London: 1870), p. 38.

The solitary visit to the Oxleek's 'squalid' home does not take up a significant amount of Greenwood's account.[278] It is hard to escape the view that the investigative element of the report is secondary and is used as a frame device to illustrate Greenwood's views on childcare conducted for money. Greenwood's work is distinctive for the amount of focus he placed upon the men and women who accessed paid-childcare rather than those who offered it. In doing this, Greenwood drew heavily on the literary trope of melodrama. In this account, Greenwood invoked these archetypes in describing the parents of the infants who surrendered their children to paid-childcarers. Greenwood's account imagined an archetypical seducer who could have been drawn directly from fiction. Whilst not the aristocratic roué of old, the seducer in Greenwood's narrative remained the social superior of the woman he seduced. The young cad was described as 'the fast young son of parents in the butchering, or cheese mongering or grocery interest ... whose ideas of seeing life is seeking that unwholesome phase of it presented at those unmitigated dens of vice 'the music halls.'[279] Greenwood claimed that the seducer would generally absolve himself of moral responsibility for his actions either by 'snapping his fingers in poor Polly's face and told her to do her worst', or if he was 'not such a brute as all that' he would offer to pay for the services of paid-childcare provider.[280]

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[278] *ibid,* p.33.

[279] James Greenwood, The seven curses of London, (London:1870), p. 26.

[280] *ibid,* p.27.

Greenwood did not imagine such a happy ending for the 'pale faced baby-carrying young woman'.[281] Greenwood asserted that in a society that threw up every obstacle possible to prevent unmarried women from caring for their own infants, an unmarried woman would be faced with the invidious choice. Either she could try to keep her child, despite a lack of familial support, or attempt to work in order to afford paid-childcare. Greenwood commented that an unmarried mother 'cannot possibly carry her baby and keep it at her livelihood all day... it is a terrible dilemma.'[282] The decision taken by Greenwood to designate 'victim' status to women who had transgressed one of the most oppressive moral codes within Victorian society is, on first glance, puzzling. Such an approach is made understandable when seen through the context of a narrative shaped by melodrama, in which the naive young woman seduced by her worldly wise social superior was a well known archetype to Victorian readers and likely to attract considerable compassion.[283]

Despite the use of dark humour and melodrama as devices for engaging his readership, Greenwood's account is not devoid of critical comment on the causes of so called 'baby-farming' and its link to wider social problems in the

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[281] *ibid*, p.34

[282] *ibid*, p.26. The degree to which this construction reflected reality is a moot point, Ginger Frost has claimed that a baby born out of wedlock would not be the social disaster many middle-class commentators imagined it would be. Though disapproved of, a child born out of wedlock, was accommodated by working-class neighbourhoods and families. Ginger Frost, 'The black lamb of the black sheep: illegitimacy in the English working class 1850-1939', *Journal of Social History,* 37:2 (2003), pp. 293-322.

[283] The representation of unmarried mothers and the use of melodrama is further considered in Chapter Four of this thesis. See also, John R. Gillis, 'Servants, Sexual Relations and Illegitimacy in London 1800-1900', in Judith L. Newton (ed) Sex and Class in Women's history, (London: 1981), pp. 114-143.

capital. This stands in stark contrast to Hart's account which divorced the 'problem' of paid-childcare from its wider socio-economic context. As the title of his book suggested, Greenwood saw 'baby-farming' as one of seven curses visited upon the capital. The other curses bedevilling Greenwood's London were professional thieves, professional beggars, fallen women, drunks, gamblers and the undeserving poor, who he accused of wasting charity. Greenwood was also keen to draw links between these social problems. Whilst Greenwood was concerned with the loss of infant life, he devoted rather more attention to those children who lived in 'baby-farms' and survived infancy. This portrayal of disadvantaged children as being simultaneously a victim and a threat to the social order has been commented upon by Harry Hendrick. Hendrick has asserted that a great deal of legislation, ostensibly to protect children, was actually motivated by a 'fear of what these children might become [in adulthood] or the threat they would pose if they went unprotected by law.'[284] This notion of the 'farmed' child as both a victim and a threat is manifest in Greenwood's work. Claudia Nelson has asserted that one of the dominant themes within *The seven curses* is 'the most troubling aspect of class relations, namely the potential for attack from below.'[285] the threat that abandoned infants posed to the social fabric may not be immediately obvious, but Greenwood's attempt to portray how a melange of biological, economic and cultural factors meant

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[284] Harry Hendrick, *Child welfare England*, p. 8. Louise Jackson, *Child sexual abuse in Victorian England,* (London: 2000) makes a similar point in relation to female victims of child sexual assault, that along with being perceived as victims, they were also tainted by their sexual knowledge and a threat to other children .

[285] Claudia Nelson, *Family ties in Victorian England,* (Westport: 2007), p. 153.

that 'farmed' children posed a profound threat to the respectable classes. Greenwood posited that, should these children reached toddlerhood, they would be abandoned by the woman who had taken them in and they would eventually find their way into the clutches of thieves and prostitutes. So widespread was this practice, Greenwood argued, that 'the ranks of neglected children who eventually become thieves are recruited in great part from the castaways of the mock adopter.'[286] In part, Greenwood attributed this to the fact that women who took in children resided amongst other members of the underclass in 'the vilest neighbourhood of brutishness' and such children would invariably find themselves in contact with these individuals.[287] However thanks to the biological inheritance of these 'farmed' children they posed a very particular threat. As has already been discussed in this chapter, Greenwood had speculated that such children were fathered by dissolute, yet well-bred young men. These children 'had all the sensitiveness, all the "blood" of the respectable stock ... tainted with the wildness of wicked papa.'[288] Neil Davie has characterised the early history of criminology as a conflict between advocates of 'Darwinian biology, racial anthropology and French psychiatry' who saw deviant behaviour as being caused by the perpetrator's genetic makeup, and sociologists such as Alexandre Lacassange and Gabriel Tarde who posited cultural and social

[286] James Greenwood, *The seven curses of London*, p. 29.

[287] *ibid.*

[288] *ibid,* p. 30.

explanations of criminality.[289] In attributing the deviancy of these children to a combination of nurture and nature, Greenwood straddled these two traditions. So potent was this combination of the 'natural' intelligence of their class and social circumstance, it was likely that such a child would develop into a 'bold intellectual villain ... more to be dreaded than as many hundred of the dull and plodding sort of thief.'[290] In drawing this conclusion, Greenwood had strayed far from the substance of his investigation, but it is interesting to note that he cast 'baby-farming' as both emblematic and a root cause of a wider social malaise.

The female baby-farming detective: Fanny Hodson, *The Times,* 1870.

However deserving of sympathy the seduced young woman may have appeared within the Greenwood's narrative, she was essentially a passive object of pity rather than the author of her own destiny. A lengthy letter to the editor of *The Times* that appeared in July 1870 is the only evidence of a female baby-farming detective.[291] Whilst this sole female investigator lacked real-life counterparts, the fictional female detective emerged early in the genre's development and 1864 saw the publication of two detective novels which featured female protagonists.[292] If the testimony of Fanny Hodson,

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[289] Neil Davie, *Tracing the criminal: the rise of scientific criminology in Britain, (*Oxford: 2006), p. 23.

[290] *ibid.*

[291] 'Letters to the editor', *The Times,* 14 July 1870 p. 4

[292] The books, both authored by men, were: Andrew Forrester, *The female detective,* (London:1864) and William Stephens Hayward, *Revelations of a lady detective,* (London:1864). The growth of female readers and writers of detective fictions has been chronicled in Kathleen Gregory Klein (ed), *Women times three: writers, detectives, readers,* (Bowling Green: 1995)

who in letter to *the Times* used the pseudonym 'A.B.', is to be taken at face-value, then she had undertaken one of the best resourced and thorough investigations into the provision and practice of paid-childcare in order to satisfy her yearning to understand how paid-childcare operated.[293] Hodson asserted that her own investigation was demonstrably superior to those conducted by her male counterparts as 'her sex gave her great advantage' in being able to pose as an expectant mother and cross-examine her suspects more thoroughly.[294] This correspondence also intimated that unlike her male contemporaries, who had adopted the pose of the disinterested gentleman, yet completed their investigations at the behest of newspapers or publishers, Hodson conducted her investigations solely as a private endeavour, seemingly financed by her own substantial means and she was able to employ eight others, including her household staff, in order to complete her investigation. Hodson claimed that her actions had been motivated solely by a passionately held desire 'to expose the system of baby-farming and how cruel it was to innocent creatures.'[295]

The chronology of Hodson's investigation is complex and warrants further explanation. Whilst she communicated her findings to *the Times* in the summer of 1870, she claimed that she had conducted her enquiries two years previously and had kept the results to herself in the intervening

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[293] Fanny Hodson's identity was revealed in subsequent correspondence with the Metropolitan Police in relation to the Margaret Waters case. Letter, Fanny Hodson to Mr A. Gernon', 5 October 1870, Metropolitan Police Offices, Letter books and Correspondence, National Archives, MEPOL 3/93 1153.

[294] 'Letters to the editor', *The Times,* 14 July 1870, p. 4.

[295] *ibid.*

period. In the meantime, six months after she'd concluded her investigations, 'a physician connected to one of the medical journals [Hart] undertook a similar task.'[296] Her claim that her 'private' and hitherto unknown investigation predated that conducted by the *BMJ* does not appear credible, given that it was so closely modelled on Hart's work, using the same method of using the classified advertisement as a means for contacting paid-childcare providers. Such are the inconsistencies in Hodson's account that, despite the editor of *the Times* vouching for the contents of the letter, Homrighaus has stated that she considered the events described in the letter as 'a complete fiction.'[297] Nevertheless, as this chapter is primarily concerned with the manner in which 'baby-farming detectives' represented their activities rather than assessing the veracity of the investigation, it does not impair its utility as a source.

Whilst claiming that, as a woman, she was uniquely placed to make contact with so-called 'baby-farmers,' there was very little to distinguish either the methods or the outcome of this investigation from those undertaken by male baby-farming detectives. Hodson employed the tried and trusted method of identifying particularly promising advertisements placed by would-be childcarers in the classified columns of the national and regional press. After getting her staff to 'write according to my dictation as if they were in

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[296] *ibid.*

[297] 'Editorial', *The Times,* 14th July 1870, p. 9. Ruth Homrighaus, 'Wolves in women's clothing', p. 371, note 77. Stephen Donovan & Matthew Rubery, *Secret commissions: an anthology of Victorian journalism* (Ontario: 2012) p.121, also share Homrighaus's scepticism. In the light of this, the thesis will treat Hodson's account as being a predecessor rather than a fore-runner of the *BMJ* investigation.

trouble' to a range of advertisers, Hodson paid a series of incognito visits to the homes of paid-childcare providers, posing as a woman in the earliest stages of pregnancy and pressing the 'baby-farmers' she encountered to reveal their murderous designs on her unborn infant. Despite striking similarities in the methods employed, the tone of the letter is strikingly different to the account given by Hart.

This is first evident in the excitement that Hodson expressed in 'going undercover.' The investigators in the *BMJ* and *NBDM* made no effort to alter their appearance or construct a 'character' they merely represented themselves as a relative of the woman who required the services of a 'baby-farmer' and assumed that their appearance would be no barrier to crossing the boundaries of class and geography. By contrast, Hodson constructed a series of elaborate disguises and alter egos in order to undertake her investigations, paying minute attention to subtle markers of class and deportment:

> My address and get up were the result of much thought and care ... want of taste in my costume might suggest that I was a lady's maid aping a lady; I left my face because it was pinched and sickly enough and a thick Maltese veil to suggest an afterthought of prudence and a fear of sudden recognition in the street. A nervous manner with glimpses of determination

> caused by desperation imparted I thought a strange air to my face and person.[298]

Hodson appeared to actively relish the opportunity to portray multiple characters and to re-shape her identity, 'so intensely interested did I become in this phase of the subject and so perfectly did I identify with each character.'[299] Whilst it is dangerous to extrapolate gendered differences based on a single investigation undertaken by a lone female correspondent, Hodson is the only writer who made a distinction between her back stage and front stage personas and openly acknowledged the performative nature of this undertaking.

Hodson's awareness that she was acting out the role of an undercover detective perhaps goes some way to explain her anxiety about being exposed, an anxiety not expressed by any other baby-farming detective. On the eve of her investigation she confessed to having 'tortured myself one whole night in this way sitting up in bed with a solitary candle and surrounded with the piles of letters. I pictured it to myself with all the awful solitude that midnight brings.'[300] Whether this anxiety was an accurate reflection of her emotional state or an attempt to head off any criticism that 'I should leave these subjects to medical men whose business it is to talk and write about them' is unclear.'[301] Hodson couched her desire to intervene

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[298] *ibid.*

[299] *ibid.*

[300] 'Letters to the editor', *The Times,* 14 July 1870, p. 4.

[301] *ibid.*

as a natural extension of her maternal and domestic role, rather than a desire to enter the political fray, 'I think what determined me more than anything to persevere was the remembrance of my own child who was peacefully sleeping above my head.'[302] This constituted the only occasion on which any of the authors offered any justification for mounting their investigations. Indeed, her male counterparts seemed blithely untroubled by issues surrounding access to public space or the private homes of the subjects of their investigation and were remarkable for their sense of self-possession and entitlement. Hodson's testimony was markedly different and provides an interesting reflection on the terms on which a female investigator could be seen to engage in this debate and participate in the public sphere. Lynda Nead has argued that when entering the public sphere, middle-class women were required to undertake a 'negotiation of uncertain identities ... brushing up against respectability and obscenity.'[303] It is possible to see in Hodson's testimony an attempt to preserve her respectability and cast her participation within this debate as being compatible within prevailing norms.

This did not mark the end of Hodson's participation with the topic of childcare. In October, 1871, Andrew Gernon, Superintendent of the Metropolitan Police, received from Hodson a letter which was even more extraordinary than the one she had sent to *The Times*. In her letter to

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[302] *ibid.*

[303] Lynda Nead, 'Mapping the self, gender space and modernity in mid-Victorian London' *Environment and Planning* 29: 4 (1997) p. 665.

Gernon she claimed authorship of the 'A.B.' letter and claimed that in the course of her investigation, one of the women she had visited was Mrs Castle, who had run the 'lying-in house' where John Cowan had been born and from where he was passed onto Waters.[304] In addition, Hodson had been an avid attendee at the Waters trial, at which she had passed on what she knew about Castle's activities to Sergeant Relf, who had investigated the Waters case, in the hope that a prosecution could be mounted against Castle. This claim, that she had happened to stumble on crucial evidence connected to the Waters trial some three years before anyone else, might be treated with a similar degree of scepticism as her other claims. Nonetheless, in her account in *the Times,* and her correspondence with the Metropolitan Police, she challenged the detective investigation was solely a male preserve and tenaciously advocated for the capacity of women to undertake such tasks.

Baby-farming detectives and the Scottish city: Charles Cameron, *North British Daily Mail*, 1871.

The investigation, conducted by the *NBDM,* has the distinction of being the only investigation that was carried out after the execution of Margaret Waters in October 1870. It is also the only one of the four investigations conducted outside of London. As has been established in Chapter Two, the series of nine articles, penned by the *NBDM*'s editor Charles Cameron, was

[304] Letter, Fanny Hodson to Mr A. Gernon', 5 October 1870, Metropolitan Police Offices, Letter books and Correspondence, National Archives, MEPOL 3/93 1153.

far larger in scope and scale than anything else attempted by any of the other 'baby-farming detectives.' The motif of detection is present in the *NBDM* articles, particularly in the first article where Charles Cameron documented his attempts to 'storm the fortress' of the 'so called Portobello baby-farmer.'[305] However a wider range of literary styles was deployed within the other articles in this series.

The fourth, fifth and sixth 'Baby-farming in Scotland' articles were primarily concerned with paid-childcare in Glasgow and, rather than focused investigation into a single woman and attempt to gain a confession of her nefarious practises, had rather more in common with the pseudo-ethnographies conducted by 'urban explorers' discussed earlier in this chapter.[306] An extraordinary amount of space in these accounts was devoted to their journey through the Glasgow cityscape. The sixth article in the series, which appeared on 16 March, was notable for its extraordinary topographical detail. Ostensibly, the article was about a visit to a baby-farmer they had traced via a classified advertisement; the majority of the article is actually devoted to Cameron's journey through Glasgow's central district. Formerly the medieval core of the city, by the time the 'Baby-Farming in Scotland' articles appeared, the central district had become a dense labyrinth of hastily converted and substandard accommodation.

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[305] 'Baby-farming in Scotland: 1st report' *NBDM,* 11 February 1871, p. 6 ; further details on the 'Portobello baby-farmer' and Cameron's evidence in relation to this case is discussed in Chapter Two.

[306]'Baby-farming in Scotland: 4th report', *NBDM,* 2 March 1874, p. 4. ; 'Baby-farming in Scotland: 5th report', *NBDM,* 9 March 1871, p. 4 ; 'Baby-farming in Scotland: 6th report', *NBDM,* 16 March 1871, p. 5.

Whilst this journey is apparently superfluous, it appears to fulfil two important functions: firstly, it places the practise of paid-childcare within very specific areas of Glasgow and, simultaneously it links paid-childcarers to other deviant figures within that environment.

The journey around the central district was roughly triangular and encompassed the particularly densely populated quarter-mile between High Street, Trongate and Saltmarket. The description of this journey is vividly sensuous, as Cameron moves past, 'murky puddles and an odorous dunghill that stood at the mouth of the close' and encounters the district's residents.[307] The level of detail is astonishing, with Cameron charting his progress street by street, whereas in the *BMJ* the area of London being investigated was unclear. This point of departure can be seen as a product of the fact that the *BMJ's* readership was more widely dispersed than the Glasgow-based *NBDM.* The level of topographical detail may also reflect the manner in which Cameron was drawing upon an existing literature of a 'deviant' Glasgow. Just as writers had imaginatively represented and reproduced London's East End for a middle-class readership, Glasgow's urban explorers attempted the same thing with their city's central district. Urban exploration in Glasgow took a very specific form. Whilst it would be an overstatement to talk about a uniquely Scottish approach to the topic, Ian Spring has noted that Scottish writers were well attuned to the notion of anthropological investigation, due to the idyllic depictions of residents of the

[307] 'Baby-farming in Scotland: 6th report', *NBDM,* 16 March 1871, p. 5.

Highlands and Islands.[308] However, the obverse of the highly romanticised depiction of Scotland's rural periphery was the demonization of its urban core, using the same 'scientific' methods. In Glasgow, this work was undertaken by writers with strong links to the temperance movement. More than their London counterparts, there was a tendency to ascribe social problems directly to alcohol consumption. Amongst the writers, who had traversed the same streets as Cameron a decade earlier, were J. Smith, 'Shadow' (a pseudonym for Glasgow letterpress printer Alexander Brown) and William Logan.[309] It is particularly noteworthy that Cameron chose to explore the same landscape and his journey through the central district is near identical to that pursued by 'Shadow' some seven years earlier.[310] It is also striking that Cameron chose to identify alcohol consumption as a driving force in the practice of problematic paid-childcare. His encounters with paid-childcarers in the central district are replete with suggestions that the brutal childcare practices he encountered are as a result of drunkenness. On recording his first encounter with a paid-childcarer, he described her as, 'a 'wild woman taken to liquor' and speculated that another had 'learned her trade in the shabeen line.'[311] Clear similarities can also be detected in the manner in which Cameron and the earlier generation of urban-explorers represented the women they encountered. Whilst women

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[308] Ian Spring, *Phantom village: the myth of the new Glasgow,* (Edinburgh: 1990), p. 21.

[309] *ibid.*

[310] Shadow [Alexander Brown], *Midnight Scenes and Social Photographs,* (Glasgow: 1858), p. 103.

[311] 'Baby-farming in Scotland: 6th report', *NBDM,* 16 March 1871, p. 5. ; 'Baby-farming in Scotland: 5th report' *NBDM,* 9 March 1871, p. 4.

engaged in the exchange of childcare for money were not the target of the venom of these earlier accounts, the 'debased and shattered' women engaged in the exchange of sexual intercourse for money were.[312] Similarly the *NBDM* articles described paid-childcare providers as 'demons in human shape' and their 'poisonous trade' cast as a 'disgrace to all women.'[313] Cameron marshalled the vocabulary of prostitution to condemn the dehumanised and 'immoral and improper women' who engaged in 'baby-farming.' Like the urban explorers who came before him, Cameron saw the presence of a group of 'vicious and depraved' women operating a 'trade' as, contributing to, and symptomatic of, the 'deep darkness of the central district.'[314] The picture that emerged from these accounts is that women who took in children in exchange for money belonged squarely to the undeserving poor and presented themselves as incapable of being redeemed or reformed.

This peculiarly Glaswegian take on the baby-farming detective was not the only literary device employed by Cameron. The shift in tone between the articles is striking. The most conspicuous example of this can be found in the second article in the series.[315] The article recounts the tale of a young Edinburgh servant who had given her infant to a so called 'baby-farmer.' The portrayal of this woman could scarcely be more sympathetic: having

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[312] Anon. [William Naismith], *City Echoes* or bitter cries from Glasgow, (Paisley:1864), p. 108.

[313] 'Baby-farming in Scotland: 4th report', *NBDM,* 2 March 1874, p. 4.

[314] 'Baby-farming in Scotland: 5th report', *NBDM,* 9 March 1871, p. 4.

[315] 'Baby-farming in Scotland: 2nd report', *NBDM*, 16th February 1871, p .5.

described her as an orphan, the article went to great lengths to establish her previously unsullied reputation and emphasised that she had become pregnant after seduction for the first time and had previously held 'respectable positions in both Edinburgh and Leith.'[316] After having established her previously impeachable character, the article described how she had been 'seduced under promise of marriage by a man above her station.'[317] The young woman described her newborn infant as, 'the only thing I had to live for,' but was persuaded by her callous lover to surrender the child to a 'baby-farmer.' Believing that her child would eventually be sent to a private boarding school, she 'wept and kissed the darling babe before I left.'[318] After beginning to suspect that her infant was being systematically neglected she effected a dramatic rescue, snatching the child from the clutches of the evil 'baby-farmer' in the very nick of time before the child was starved to death.

Whilst it is impossible to verify the account, its significance lies in the manner in which the story was presented and the selection of this case as representative. The characters within the tale are little more than archetypes and there is no ambiguity over whom the reader should feel sympathy for. Potentially disruptive aspects of the story are minimised or ignored altogether: for example, the article focused on her attempts to recover her 'darling babe' rather than her decision to surrender the child in

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[316] *ibid*

[317] *ibid.*

[318] *ibid.*

the first place, and placed emphasis upon her 'natural' maternal concern and self-sacrifice, in stark contrast to the greed of the 'baby-farmer.'[319] This hugely sympathetic account of an attractive young woman's seduction and abandonment by her social superior and eventual redemption is clearly influenced by the older literary tradition of melodrama and is also echoed in Greenwood's narrative. This ad-hoc fusing of various literary styles within an ostensibly factual narrative may be a product of Charles Cameron's 'faddism' but, at the same time, it is the most complex and multi-faceted exploration of the role of baby-farming detective.

Closing the case

As has been discussed in this chapter, the authors of these narratives had promised their readers that their investigations would turn up conclusive evidence of wrongdoing. Characteristically, Cameron had made hubristic claims, asserting that his investigation would, destroy the practice of 'baby-farming' altogether. As has been demonstrated, the investigations revealed no such thing. However it is extraordinary to note that in both of these investigations, the so called 'baby farming detectives' were all able to find loose-lipped paid-childcare providers who were prepared to offer a detailed description of the workings of their trade, dropped heavy hints about the ultimate fate of the infants once the money had been paid, yet stopped just short of condemning themselves. One of the women interviewed for the *BMJ* investigation darkly hinted; 'I am the old original, I have had hundreds ...

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[319] *ibid.*

you will not hear from me again.'[320] Likewise, as a result of her interview with a paid-childcare provider, Hodson was equally convinced that, even though, 'the woman did not say so ... but I have no doubts in what became of the unplaced orphans.'[321]

This was mere supposition and innuendo and in material terms, these four investigations revealed nothing new, they merely reaffirmed that children had an exchange value and working-class women used this to make a living from offering informal child-care. Upon commencing his investigation, James Greenwood stated that his avowed aim was to 'to trap the villains'. [322] On his own terms his efforts can be considered a resounding failure. Neither Greenwood nor any of his journalistic colleagues managed to secure a prosecution or even to conclusively prove that serious harm had been done to any infants. Despite their suspicions, and acres of newsprint, these amateur investigators turned up very little credible evidence of serious wrong doing. With the exception of Cameron's rather lurid and fanciful description of the Portobello baby farmer, these investigations managed to get the women they called upon to adopt a child in exchange for a fee. They singularly failed to turn up anything that approached real evidence of criminal neglect, let alone murder, done on an industrial scale. Despite their efforts to finesse their findings and their repeated examination of the paid-childcarers they encountered, the best that the baby-farming detectives

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[320] 'Baby-Farming and Child Murder', *BMJ,* 25 January 1868, p. 59.

[321] 'Letters to the editor', *The Times* 14 July 1870, p. 4

[322] James Greenwood, *The seven curses of London,* p. 36.

could offer was baseless speculation as to the fate of the infants left in the care of these women.

This failure to gain conclusive evidence in the course of their investigations was largely immaterial. The accusation of criminality was inscribed in the very structure of their enquiries. By couching the relationship they had with these women as being one of a 'detective' and 'suspect' it created a power imbalance and created suspicion around these women before they'd even uttered a word. Even if the 'baby-farming detective did not always make an outright accusation, they retained the power to investigate, ask probing questions and expect answers. As has already been explored, the would-be detective's right to subject paid-childcare providers to this hostile form of interview went unquestioned. Whilst a failure in actually uncovering systematic child murder, these investigations succeeded in furthering the reductive narrative of all child-care being undertaken as dangerous and undertaken by criminals. By defining the relationship in these terms, it allowed the 'baby-farming detectives' to offer a certain set of solutions to a problem that they had defined.

The birth of the 'professional' detective

Greenwood's comment aside, there is no sense that any of the accounts formed part of an on-going campaign to bring paid-childcare within the purview of the state. The narratives have a detached and self-contained quality, evident in the manner in which Greenwood and Cameron used an identical methodology as the *BMJ* investigation, yet they make no reference

to Hart's investigation. Similarly Hart's account makes no reference to the wider campaign for infant life protection or his role within it. In the 'baby-farming and baby-murder' series, Hart was keen to present himself as a disinterested amateur detective conducting an enquiry using his own resources, rather than an active campaigner and staunch advocate for law reform.

Divorcing the investigation from the wider campaigning of the Infant Life Protection Society may appear counter-intuitive, but as Chapter Two has explored, advocates of regulation had great difficulties in convincing a sceptical Parliament that infant life protection legislation was not incompatible with the traditions of parental autonomy. As a consequence the 'baby-farming detectives' may have been wary of anything that smacked of officialdom or could be construed as the actions of a 'state spy.' This can be seen in the manner in which an editorial in *The Times* praised the investigative efforts of Hodson and her ilk, who, when confronted with a social problem, devoted their private resources to investigating it. *The Times'* editorial expressed the view 'that private volunteer investigations are the only way in which these dreadful mysteries can be detected and exposed.'[323] The notion that anyone vested with authority by the state could be permitted to permeate the private realm of the family home was bitterly contested by the paper. Such an undertaking could be seen as inconsistent with the traditions of English liberty, that stressed the 'most perfect freedom of action' and warning of the 'suffocating paternalism' of other

[323] 'Editorial', *The Times,* 14th July 1870 p. 9.

European states. The notion of police detectives undertaking any sort of investigation into paid-childcare was anathema and the newspaper offered a stark warning that the detective force existed solely for 'the prevention of burglary, the protection of tradesmen and the safety of our purses.[324] *The Times* argued that whilst the 'perfect freedom' that existed in England was open to abuse, the best remedy to the problems thrown up by nineteenth-century liberalism was liberalism itself.[325] The state had extremely limited powers to check the cruelties of paid-childcare providers, but private citizens were equally free to 'investigate and bring to light huge crimes, intolerable abuses and every form of liberty run to vicious excess.'[326] The editorial beseeched its readers 'to consider that private volunteer investigations are the only way in which these dreadful mysteries can be detected and exposed.'[327] In this context, it is understandable why these 'baby-farming' detectives distanced themselves from anything that could be perceived as agents of the state.

The pose of the amateur detective would appear to be characteristic of the period 1868-1871. The trope of the infant life protection campaigner as a detective persisted, albeit in a radically different form. As Chapter Two has established, the principal of state intervention in matters of paid-childcare had largely been conceded in the aftermath of the *1872 Infant Life*

[324] *ibid.*

[325] Interestingly the article draws a distinction between the liberalism of England and the paternalism of 'Presbyterian Scotland.' This is a contrast to many writers of this period who used 'England' and 'Britain' interchangeably.

[326] *ibid.*

[327] *ibid.*

Protection Act. This Act was also indicative of a wider change, characterised by Linda Mahood, as 'part of a massive intervention into private life' by the state and charitable institutions.[328] Increasingly, the people interacting with, and writing about, paid-childcare providers would be salaried representatives of large organisations and they would increasingly present themselves as professional detectives.

Pre-eminent amongst these new welfare organisations in England was the NSPCC.[329] Whilst by no means the only organisation with an interest in forcing issues, pertaining to child-welfare, up the political agenda, Monica Flegel has asserted that no other organisation 'played so central a role in the definition of cruelty to children [or] the production of propaganda that made it a recognized concept.'[330] The NSPCC had initially developed as a series of autonomous local societies modelled on the Liverpool Society for Prevention of Cruelty to Children in 1882. A London society was formed two years after its Liverpool counterpart and from its inception was led by Congregationalist minister and social campaigner Benjamin Waugh.[331] Flegel has asserted that within months of its formation, the London Society

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[328] Linda Mahood, *Policing gender, class and family: Britain 1850-1940,* (London: 1995) , p. 2.

[329] The NSPCC were by no means the only organisation invested interested in forcing the issue of child-welfare up the political agenda. A detailed examination of these organisations lies beyond the scope of this thesis. For a brief summary of other organisations campaigning on behalf of children at risk, see George Behlmer, *Child abuse and moral reform*, pp. 57-58.

[330] Moinca Flegel, *Conceptualizing cruelty to children in nineteenth century England: literature, representation and the NSPCC* (Farnham: 2009), p. 9.

[331] The early history of the NSPCC and how it became a national society is labyrinthine. For further information on this, see Monica Flegel, 'Literature, representation and the NSPCC', pp 18-31 ; George Behlmer *Child abuse and moral reform*, p. 52-56.

assumed a position as 'the leading child-protection organisation in England.'[332] This happened despite the London branch having far less experience in child protection work than its Liverpool-based equivilent and, according to Flegel, was largely due to Benjamin Waugh's 'skill as a propagandist.'[333] For the first four years of its existence, the society showed no great interest in so called 'baby-farmers.' Waugh's society only switched attention to the topic in late 1888, almost by default, when an annual legacy of £150 was left to the society on the proviso that the money be used to employ an inspector specifically tasked with tackling the issue of paid-childcare. Ever the propagandist, Waugh seized on the opportunity to declare that his society had 'resolved on a mission of discovery. It will find out hunt down and if possible, abolish from the land this English trade in unwanted babies, which is, if possible a fouler crime that the crime of the trade in African slaves.'[334] To this end, the London SPCC appointed Mary Bolton, who went on to pursue her work for the society with what Behlmer described as 'fanatical intensity.'[335]

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[332] Monica Flegel, *Conceptualizing cruelty to children in nineteenth century England,* p. 20

[333] *ibid.*

[334] 'Another fine example', *Child's Guardian,* 24 December 1888, p. 121. The representation of abused children as 'slaves' and comparing the efforts to tackle child-abuse to the campaign for the abolition of slavery was a persistent one in NSPCC campaigning literature. For a further example, see W. Clark Hall, *The Queen's reign for children,* (London; 1897), pp. 155-169.

[335] George Behlmer *Child abuse and moral reform,* p. 159. It would appear that Bolton did not spend much of her lengthy career with the NSPCC as its 'baby-farming inspector' and she spent the best part of her career as Waugh's assistant. Further details of her career are contained within her obituary 'Mary Pricilla Bolton; an appreciation' *Child's Guardian,* 9 September 1921, p. 6.

When she was appointed, Bolton like the rest of the society's inspectors had limited power to intervene should she suspect a paid-childcare was endangering the life or welfare of one of their charges. Thanks to the influence of Waugh, this situation would soon change. Waugh had been instrumental in lobbying for the passage of the *Prevention of Cruelty to, and Protection of, Children Act* 1889, colloquially known as the Children's Charter.[336] In the context of this thesis the most significant clause of this new Act was that it allowed a stipendiary Magistrate or Sherriff to issue a warrant to 'authorise any person they saw fit' to search private property in search for children they believed were in danger of neglect.[337]

This measure allowed the NSPCC and other child welfare organisations access into the private sphere of the home and gave the organisation a quasi-official status with the right to define and police the boundaries of acceptable childcare. This status was further enhanced when the society gained its Royal Charter in the same year that the Act came into law.[338] Whereas the 'amateur' baby-farming detectives were only able to draw upon their own experience of interacting with paid-childcare providers, Waugh

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[336] *Prevention of Cruelty to, and better Protection of, Children Act* , 1889, 52 & 53 Vict. c. 44.

[337] For the significance of this Act on the history of child welfare, see Monica Flegel ' "Facts and their meaning": child protection, intervention, and the National Society for the Prevention of Cruelty to Children in late nineteenth-century England' *Victorian Review* 33: 1 (2007), pp. 87-101 ; *Prevention of Cruelty to, and better Protection of, Children Act* , 1889, 52 & 53 Vict. c. 44, cl. 6.

[338] As the new century approached, successive pieces of legislation extended the society's legal powers. The extension of the society's powers was crowned by the Prevention of Cruelty to Children Act 1904 4 Edw. 7 c.15 granted the society's officials in England the power to mount prosecutions on their own account and allowing their inspectors to remove children they thought were subject to cruelty. For an account of how the NSPCC came to use its enhanced powers see, Carol Harlow & Richard Rawlings *Pressure through law* (London:1992) pp. 168 -192.

was prone to using emotive articles, that he claimed were drawn from NSPCC cases, as a tool for promoting his society and re-shaping the child welfare agenda. One such article, authored by Waugh himself and entitled 'Baby-farming' appeared in the May 1890 edition of *The Contemporary Review*. The timing of this piece was significant. As the article appeared, Home Office ministers Henry Matthews and Charles Stuart-Wortley were making a doomed attempt to steer a Bill through the House of Commons that would extend the terms of the 1872 *Infant Life Protection Act*.[339] The lengthy *Contemporary Review* article gained considerable publicity and was reprinted in truncated form by mainstream newspapers. This is indicative of the weight attached to Waugh's opinion on matters related to the emerging child welfare agenda.[340]

George Behlmer has claimed that Waugh possessed an 'infamous gift for hyperbole.'[341] This tendency was amply demonstrated in the *Contemporary Review* article. Despite claiming to be based upon investigations undertaken by the Society's Inspectors, Waugh's piece was prefaced by a piece of pure artifice; a depiction of the fevered nightmares of a child who had once resided in a 'baby-farm' who spent his sleeping hours imploring 'the six cold, sore and hungry babies' to avoid crying, lest they provoked the anger of the

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[339] 'A Bill to amend the Infant Life Protection Act, 1872', House of Commons Bill, 1890, (hereafter HC Bill), No. 142, Vol. V, p 523.

[340] For example, 'Baby killing as it is practised' *Pall Mall Gazette* 19 May 1890 p. 3 ; [No title] *Leeds Mercury* 3 May 1890, p.6.

[341] George Behlmer, *Child abuse and moral reform,* p. 156.

'baby-farmer.'[342] What followed this introduction was a depiction of the heinous excesses perpetuated by paid-childcare providers that Inspectors encountered during the course of their 'ordinary prevention of cruelty work.' [343] Whilst it is entirely possible that these were based on actual cases, they are presented in a highly emotive manner that bears no relation to an Inspector's case notes. The cumulative effect of the eight cases selected by Waugh was to create the impression that paid-childcare was de facto child abuse. The relentless depictions of children who had been systematically and wilfully mistreated were spread across four pages of text and the conditions described were so despicable that, in one case, an Inspector had 'vomited upon opening the door.' [344] Despite the claim to be a sober and hard-headed analysis, based on empirical evidence, the depiction of the women who had perpetuated these alleged abuses was not dissimilar to the representations of the sadistic baby-farmers in the pages of the *NBDM*. The article asserted that whilst the 'baby-farmer' was motivated by the need to make a profit out of infant suffering and death, it also claimed that the 'she-wolves' who practiced paid-childcare were also innately evil: 'they are the sort who have no sympathy with the imploring helplessness of suffering, they would not save an ache to a child in their care if they could do so with a kiss pressed to its pallid lips.'[345] This blanket condemnation and crude pathology of paid-childcare providers is unsurprising. As has been discussed

[342] 'Baby-Farming" *Contemporary Review,* May 1890 p. 701

[343] *ibid.* p. 702.

[344] *ibid*, p.704

[345] *ibid*, p.703.

in Chapter One, the nineteenth century saw the increasing representation of children as embodying innate virtue and guileless innocence. This construction therefore dictated that those who subjected children to abuse or neglect were not abusing an individual child, but assaulting the cherished notion of childhood itself. The fantasies that Waugh projected upon women he had only encountered through the pages of a case file, is made understandable given that these articles formed a key part in the NSPCC's twin fold strategy. Flegel has characterised this approach as demonstrating to the English public the necessity of 'intervention on behalf of abused children as well as the singular effectiveness of the NSPCC in providing such protection.'[346]

Sergeant, the NSPCC and *The Moonstone*.

Although it would appear that by the late nineteenth century the investigation of paid-childcare was increasingly becoming a bureaucratic undertaking and held a limited place for the 'amateur' investigations of old, the figure of the baby-farming detective did not fall completely into abeyance. In a newspaper article that appeared in April 1896, Waugh introduced a *Daily News* correspondent to a man he described as the society's 'baby-farming detective.'[347] Just as the society's uniformed inspectorate had been modelled, right down to their uniform, on a police constable, the society's 'baby-farming detective' was modelled on the police detective. This reflects the degree to which the Police detective, far from

[346] Monica Flegel, *Conceptualizing Cruelty to Children in Nineteenth-Century England,* p. 2.

[347] 'Not wanted: a talk about baby farmers and their ways', *Daily News,* 25 April 1896, p. 4.

being cast as a dangerous 'state spy,' was increasingly a respectable figure. Indeed the society's detective is depicted by the *Daily News* correspondent as a very model of austere respectability:

> I should have taken him for the old and trusted chief cashier of an old and trusted bank. In manner he was cold, precise, but indifferent as the scales. In speech he was soft and low. In appearance he was slim with grizzled hair, mild blue eyes, clean shaven, face crinkly like a bank note. In dress he was scrupulously neat, with the whitest of linen and the blackest of coats. [348]

Along with emphasising the inherent respectability of his interviewee, the *Daily News* article makes an explicit comparison to one of Victorian fiction's most famous and enigmatic detectives: Sergeant Cuff from *The Moonstone*. The degree to which the interviewer drew upon Wilkie Collins's creation can be seen in the depiction of Cuff:

> He was dressed all in decent black, with a white cravat round his neck. His face was as sharp as a hatchet ... his eyes of a steely light grey had a very disconcerting trick when they encountered your eyes of looking as if they expected something more from you than you knew yourself. He might have been a

[348] *ibid.*

> parson, or an undertaker – or anything else you like, except what he was.[349]

The *Daily News* journalist extended the comparison between the NSPCC Inspector and the fictional Cuff by referring to his interviewee as 'Sergeant' throughout. The resemblance stretches beyond the mere physical and the NSPCC's Sergeant is also portrayed as being as enigmatic as his fictional counterpart. In particular, the journalist made great play of Sergeant's claimed ability to transform his appearance to entrap a variety of alleged baby-farmers:

> devious must be the ways of the detective sir. Where one will disguise will not do, another must be adopted ... there are some who would not look at 5*l,* but will ask for anything upwards of 50*l.* There is the poor one who is lucky to get 5s a week.[350]

In a sense, this depiction of 'Sergeant' demonstrated the manner in which the creation of the baby-farming detective was a multi-layered and reflexive process. Whilst based on a real person, 'Sergeant' appears to be an active creation of the journalist, informed by the fictional Cuff, who in turn was influenced by a real life detective.

The characterisation of 'Sergeant' is heavily indebted to Wilkie Collins, but the interview itself is structured in a very similar way to Charles Dickens's account of his night with Inspector Field, with the interviewer

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[349] Wilkie Collins *The moonstone: a romance* (Oxford: 1999), 1st edn. 1868 , p. 96.

[350] 'Not wanted: a talk about baby farmers and their ways', *Daily News,* 25 April 1896, p. 4.

seemingly content to adopt an unknowing persona and conduct his exchange with 'Sergeant' in tones that border on hero-worship. In one important respect, however, this piece deviates from the narrative presented in Dickens's account. Dickens's Inspector Field possessed an almost superhuman command of the urban scene and can seemingly bring it to order by his very presence. By contrast, 'Sergeant' had a more limited capacity to symbolically solve the problem of paid-childcare. Indeed a large part of Sergeant's account is devoted to documenting the ways he was powerless to Act against the women he had traced. 'Sergeant' stated that a woman who 'stood at the head of that profession' had taunted 'Sergeant' as she 'knew I could not touch her, one of the wickedest of the five hundred and twenty women that 'Sergeant' claimed to have traced.'[351]

The only sense in which 'Sergeant' can resolve the problem of problematic paid-childcarers was to make their practices visible. The interview with 'Sergeant' documented the complex hierarchies he claimed to have detected within paid-childcare, claiming to have known 'a baby pass through a dozen hands, in each case the fee dwindling down lower and lower.'[352] The final outcome in cases that 'Sergeant' had claimed to have so diligently pursued was to enter them into 'the great ledger in which are kept the patiently assembled records of the baby-farmers.'[353] This account that so painfully illustrated the society's limited ability to act would

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[351] *ibid*

[352] *ibid.*

[353] *ibid.*

appear to make little sense. However, as this piece appeared in April 1896, a Select Committee of the House of Lords was considering whether to recommend extending the terms of the 1872 Act - a move that Waugh strongly supported and in which he imagined a key role for his organisation. Waugh seemingly saw a chance to extend his society's reach and put it on an even more official footing. Waugh displayed his talent for hyperbole, and in the course of his evidence to the committee, claimed that so widespread was the problem with children being murdered to order that he 'could baby-farm a million a year' and remain undetected.[354] This did not go well with the Committee, with Lord Bishop questioning whether his fanciful claims were made to 'frighten people rather than give information.'[355] Undaunted by the hostile reception he received, Waugh laid out his solution to the problem as he saw it:

> I would like the local authority to appoint our men; I am satisfied that in that case they would employ competent and able men to enforce the Act and pay them by a grant to the [NSPCC] central office. Our work is delicate and difficult and no public authority could discharge our duties.[356]

Waugh was claiming that he and his inspectors were uniquely well placed to tackle what he portrayed as an epidemic of infant death and effectively

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[354] Evidence of Benjamin Waugh, August 1896, Select Committee of the Infant Life Protection Bill, HL Select Committee, No. 342, Vol. VII, p. 96.

[355]Evidence of Benjamin Waugh, August 1896, Select Committee of the Infant Life Protection Bill, HL Select Committee, No. 342, Vol. VII, p. 104.

[356] *ibid.*

asked that his organisation be given complete control over the policing of paid-childcare. In the light of Waugh's evidence, this portrayal of 'Sergeant' as an impotent figure would appear to make more sense. It would appear that in presenting the society's 'baby-farming' detective in this manner, Waugh may have been attempting to portray the NSPCC as systematically collecting evidence, but denied the capacity to act on this evidence. However it is unlikely that readers of the *Daily News* would have been aware of Waugh's proposals before the Select Committee and when read in isolation, the account of the Society's 'baby-farming detective' is curiously unresolved and disjointed. A trait his account shares with the amateur investigations conducted

Adventures of a Journalist: Hugh Cadett, The *Sun*, 1895.

By the time that the last of the great baby-farming exposes was undertaken by the *Sun* newspaper in 1895, it was something of an anachronism; it had been nearly thirty years since Ernest Hart had launched his first investigation and interest in 'baby-farming' was seemingly in abeyance. Since the death of Waters in 1870, only two further paid-childcarers had been executed for murder. Of these cases, neither the execution of Annie Tooke at Exeter in 1879 or Jessie King at Edinburgh in 1889 managed to generate the press outcry that had greeted the Waters case.[357] Even the

[357] The most complete account of the Tooke case is, 'Trial of Annie Tooke for the murder of Reginald Hede', *Trewman's Exeter Flying Post,* 23 July 1879, p. 2. The case was not extensively covered outside the local press and most papers only carried a short account of her execution. Typical were 'Execution at Exeter', *Pall Mall Gazette,* 11 August 1879, p. 6 ; 'Police Intelligence', *Standard,* 12 August 1879, p. 12. The King case was rather more significant in that it was the first time that a paid-childcare provider in Scotland was executed and forced a re-assessment of the belief that problematic paid-childcare was not a

BMJ which had fought hard to bring the topic to public attention only revisited the topic of paid-childcare periodically and often with lukewarm enthusiasm.[358]

As a result, Hugh Cadett, the journalist who authored the pieces in this series, had to convince his readership that so-called 'baby-farming' was still a pertinent issue. In the prologue to its expose, Cadett was at great pains to address the perception that 'baby-farming' had ceased to be a vital issue after the passage of the 1872 *Infant Life Protection Act*. The *Sun* cautioned its readership to be wary of such claims: "But baby farming no longer exists" some-one may declare "It was done away with by the Infant Life Protection Act" ... yet baby farming is rampant in our midst and the *Infant Life Protection Act* as it presently exists does not cope with the evil.'[359]

Published under the title 'The Massacre of the Innocents' the series promised to reveal 'Murder by contract - interviews with the people who do it.'[360] The use of a title that so clearly referenced Herod's slaughter of the first born is significant. It is an attempt to convince its readership that infanticide of similarly biblical proportions was happening in late nineteenth century England. Despite using a well-worn investigative method, the *Sun* explored something that had been referenced in the

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problem in Scotland. However even in this context the impact was short lived. By the end of 1889, the King case was little more than a footnote in the *Scotsman's* end of year review, '1889: an Obituary,' *Scotsman,* 31 December 1889, p. 4.

[358] For example, 'Advertisements and the Baby-Farming system' *BMJ,* 28 March 1896, p. 796.

[359] 'Massacre of the Innocents', *Sun,* 31 October 1895, p. 2.

[360] *ibid.*

original *BMJ* reports: that women offering abortion could also arrange for the infants to be 'farmed out' should an abortion be unsuccessful or impossible due to the advanced nature of the pregnancy. The paper claimed to have encountered women who could ensure that 'whether the child lives or dies, you shall hear no more of it.'[361] Whilst this may have provided the context, the direct imperative may have stemmed from the death of one of the *Sun's* employees and the prosecution of the woman who had attempted to induce a still birth.[362]

The representation of the investigation as a 'massacre of the innocents' owed much to the principal author of the pieces. Along with his employment with the *Sun,* Herbert Cadett was also an author of detective fiction.[363] Cadett's best remembered works featured Beverley Gretton- an investigative reporter who on the course of his work for Fleet Street's *Daily Orb* - managed to solve cases that baffled the police, who despite their ineptitude treated the dashing journalist-sleuth with 'condescending familiarity.'[364]

A network of baby-farmers?

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[361] 'Massacre of the Innocents: the interviews', *Sun,* 11 November 1895. p. 2

[362] 'Central Criminal Court', *The Times,* 13 January 1894, p. 12

[363] Cadett was not unique in this respect. Social investigator George R Sims, author of *How the poor live* (London:1883) also published a series of detective stories featuring a female protagonist. These stories were collected in George R. Sims, *Dorcas Dene, detective: her adventures,* (London: 1897).

[364] Hugh Cadett. *The adventures of a journalist* (London: 1900), p 11. The gifted amateur detective who manages to leave the Police flat-footed was clearly something of a well worn cliché and a largely negative review of Cadett's book commented wearily that 'need it be said, Gretton succeeds where the official trackers of crime have failed.' The adventures of a journalist' *Tablet* 16 February 1901, p. 13. In the same review, the *Tablet* suggested that the work was somewhat derivative of Sherlock Holmes.

In the first of the 'Massacre of the Innocents' article, there was something of his fictional creation's ability to succeed where the police had failed. Cadett claimed to have exposed an epidemic of infant death in late nineteenth-century Britain. 'Baby-farming' constituted only part of a vast industry of infant death ranging from the 'first rung on the ladder'- the practice of drunken overlaying- to the procurement of an abortion.[365] Within this taxonomy he had constructed, Cadett drew a distinction that was not made by other writers, using the term 'baby-farmer' solely to refer to low-level practitioners. Infants under the care of such women tended to die through 'wrong feeding or neglect' rather than active criminality.[366] To describe women he believed were operating in a more systematic manner - 'the wholesale end of the market' - he used the terms 'baby-sweater' and 'baby-trafficker.'[367] Cadett's articles for the *Sun* implied that women who practised 'baby-trafficking' would have a high turnover of infants, acquiring them via advertisements and then disposing of them in a matter of days by 'either putting it out to nurse – stopping payment after a few weeks [or]

[365] 'Massacre of the Innocents', *Sun,* 31 October 1895 p. 2. The term 'overlaying' was used to describe the accidental suffocation of an infant by an adult they were sharing a bed with, either by accident or design, commonly linked to drunkenness among working class parents and guardians. The topic of overlaying has received scant historical attention. In a dated, but still useful source, Elizabeth Hansen has suggested that many deaths from 'overlaying' were a result of Sudden Infant Death Syndrome. Elizabeth G. R. de Hansen, ' "Overlaying" in 19th-Century England: Infant Mortality or Infanticide?', *Human Ecology* 7:4 (1979), pp. 333-352.

[366] 'Massacre of the Innocents', *Sun,* 31 October 1895, p. 2.

[367] *ibid.*

handing it over for a smaller lump sum that she received to another woman who leaves it exposed or sometimes murders.'[368]

This formalised the distinction made implicit by the earlier generation of 'baby-farming detectives' between women they considered actively criminal and lower grade practitioners they considered merely ignorant and brutal, but it also went further and posited that hidden from view, there operated a vast subterranean network of 'baby-farmers' with a formal hierarchy. This notion is also a feature of the account given by 'Sergeant', who talked about his confrontation with the woman who 'stood at the head of that profession.'[369] It would appear that this idea of an organised criminal network was influenced by WT Stead's infamous 'Maiden tribute of modern Babylon' published in the *Pall Mall Gazette* during July 1885.[370] This expose caused a sensation and described in graphic detail the sexual abuse of young girls, via a systematic and organised 'London slave market.'[371] Stead's articles claimed that this vast network operated across the traded in young girls on a national basis and conducted their activities in a series of ostensibly respectable homes equipped with 'a padded room, a double chamber or an underground room' used for the sexual abuse of young girls.[372] This dramatic account of what Judith Walkowitz has described as a 'social economy of prostitution' appears to have been lifted wholesale and

[368] *ibid.*

[369] 'Not wanted: a talk about baby farmers and their ways', *Daily News,* 25 April 1896, p. 4.

[370] 'The maiden tribute of modern Babylon' *Pall Mall Gazette,* 6 June 1885, pp. 1-6.

[371] *ibid, p.*3.

[372] *ibid.*

incorporated into both Waugh and Cadett's accounts. [373] This stands as a point of contrast to the work of earlier writers who seemed to see paid-childcare being organised in a far more piecemeal and haphazard manner.

Interestingly Cadett appeared to be equally adept as earlier 'baby-farming detectives' in getting loquacious childcarers to hint at their nefarious practices without actually offering conclusive proof of criminality. Cadett recorded the testimony of a childcare provider known only as 'Mrs A.' The pseudonymous Mrs A laid out her terms for facilitating an adoption. Cadett focused attention on the ambiguity over her claim that there would be 'no trouble' about the child. Cadett chose to interpret such an ambiguous statement as prima facie evidence of 'Mrs A's' intention to ensure the child came to an unhappy end. Cadett described her as 'wary, but she let it be known that, with her, matters were tacitly understood.'[374] It is also noteworthy that Mrs A is also portrayed as a physical grotesque: if mere words were not enough to condemn Mrs A as a cold hearted murderess, Cadett was eager to claim that her body did: 'her head which is absolutely flat at the back would have made interesting study for a phrenologist...[her] cold blue eyes showed calculation and farsightedness and the plump little cruel looking hands a considerable amount of executive power.'[375]

As has already been discussed, the earlier investigations were represented by their authors as strictly amateur endeavours, with Hodson in particular

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[373] Judith Walkowitz, *City of dreadful delight*, p. 83.

[374] 'Massacre of the Innocents', *Sun,* 31 October 1895, p. 2.

[375] *ibid.*

asserting that she had undertaken her investigation merely to satisfy her own curiosity. This gave the investigations a curiously detached and self-contained quality, as if they were wholly divorced from the wider infant protection movement. The *Sun* went to great pains to demonstrate that their efforts were supported by the wider administrative, legal and medical bodies that had sprung up in the intervening years. An article that appeared on 2 November 1895 contained endorsements from a London County Council official responsible for the administration of the *Infant Life Protection Act* and from coroners Wynne Baxter and Athelstan Braxton Hicks, both of whom had developed reputations for conducting rigorous investigations of cases where infants had died in the hands of paid-childcare providers.[376] This fulsome praise was followed two days later when an anonymous 'old and experienced detective of the Metropolitan Police' added his own endorsement.[377] Garnished with official endorsements, the *Sun's* 'Massacre of the Innocents' investigation appeared to have drawn to a close and, like the investigations carried out by Greenwood, Hart, Cameron and Hodson. uncovered very little beyond the well-established fact that the infants could be bought and sold, via a classified advertisement. However this would all change with a letter received by the *Sun's* editor, T.P. O' Connor, on 5 November 1895.[378]

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[376] 'Massacre of the innocents: some startling corroborative correspondence,' *Sun,* 2 November 1890, p.2 . The roles and responsibilities of the LCC are discussed in more detail in Chapter Five of this thesis.

[377] 'Massacre of the innocents: a Detective Inspector adds corroboration from his own experience', *Sun,* 4 November 1895, p. 3.

[378] 'Letters to the editor', *Sun*, 5 November 1895, p. 2

Making the Cap Fit.

The dénouement to the *Sun*'s baby-farming narrative would not come from the tenacity or accuracy of its reports, but through the hubris of a disgraced doctor living in reduced circumstances. Dr James C. Ady's intervention unwittingly provided the narrative with the conclusion that previous accounts lacked. Ady had written to the paper's editor after becoming aware that a damning report of an encounter with a 'Mrs D' referred to a meeting his 'foster-daughter' had undertaken with an undercover *Sun* reporter and had subsequently appeared as part of the 'Massacre of the Innocents' series. The article stated that 'Mrs D' had offered to rid the reporter of an infant, either by performing an abortion, or by arranging to have the child informally adopted on the understanding that it would soon die, stating that the reporter should, 'give me 50*l* and that will cover everything. The 50*l* will be your only expense. Whether the child lives or dies, you shall hear no more of it.'[379] Dr Ady's letter described this account as a 'perversion of the truth from beginning to end.'[380] Neither Ady nor his adult 'foster daughter' Minnie Graham were named in the original article, but the mention of a suburban villa 'which bears the plaque of a surgeon and accoucher' was enough to bring Ady and Graham to the notice of the local Police.[381] Ady complained bitterly that, 'You have placed me most unwarrantedly under the espionage

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[379]'Massacre of the innocents: Mrs. D.'s bargaining,' *Sun,* 1 November, 1895, p.3.

[380] *ibid.*

[381] Derived from French, an accoucher, (feminine form accouchess) literarily means someone who delivers babies, but in this context seems to imply that Ady was a specialist in obstetrics.

of the police authorities by way of ending what threatens to be a most iniquitous proceeding and a perversion of the power of the press.[382] Ady's letter to the newspaper rebutted the claims made in the original article. Ady alleged that the *Sun*'s reporter had 'attempted to bribe my foster-daughter to undertake an illegal operation' and far from agreeing to do so, she had flatly refused to perform an abortion or arrange for the infant to be adopted. [383] Ady did not deny that he and his foster daughter often facilitated pecuniary adoption, describing the practice as the 'surest guarantee against the evil of infanticide.'[384]

Far from issuing the apology that Ady demanded, O'Connor went on the offensive. He reprinted Ady's letter in full, along with a terse comment that 'James C. Ady will clearly not be satisfied until he has fitted the cap upon his own head. There is no reason why he should not be humoured.'[385] Both the letter and the *Sun*'s response to it centred on issues of character and background, rather than the veracity of the claims made in Cadett's article. Ady appended a substantial biography to his letter of complaint, charting his qualification as a surgeon at the University of Edinburgh and subsequent career as general practitioner and harbour surgeon in Rangoon, before returning to London to establish a private practice 'specialising in

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[382] 'Letters to the editor,' *Sun,* November 5th 1895 p. 2.

[383] 'The massacre of the innocents: the autobiography of James C. Ady', *Sun* 9 November 1895 p.2

[384] *ibid.*

[385] *ibid.*

diseases of women and children' at his home in Brixton.[386] In response, the Sun attempted to dispute Ady's self-image as a respectable medical figure, using recent events to portray Ady as a dissolute character. This focussed mainly on his financial difficulties and the nature of his relationship with Mrs Graham. The article asked if :

> He is the same James C. Ady who left 129 Stamford Street under some [financial] pressure to take up his residence at No 134 in the same street? Was pressure again brought to bear upon him to quit the place? Is he the same James C. Ady who took up residence 151a Clapham Road? Did he not leave there also under pressure? Did Mrs Minnie Graham live with him at all those addresses? If so, what was their relationship? When did he adopt her as his foster-daughter and is her husband still alive? [387]

In the following weeks, the *Sun* sustained a critical appraisal of the pair by reprinting the original article, making the claims that the pair were abortionists and 'baby-sweaters.' This time the article appeared with Ady and Graham's names prominent as 'to leave no obstacle in the way of legal proceedings which James C. Ady threatens.'[388] The paper duly reported on 12 November 1895 that, 'The Sun's challenge to remit the case to the jury

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[386] *ibid.*

[387] *ibid*

[388] 'Massacre of the innocents: the interviews', *Sun,* 11 November 1895, p. 2.

is answered.'[389] Regardless of the merits of the *Sun*'s article, Ady and Graham's decision to pursue a libel action appeared foolhardy, the unusual and ill-defined nature of their relationship provided *The Sun's* defence counsel with ample material. Just as the newspaper itself had done, its legal team focussed upon the prurient aspects of Ady and Graham's relationship rather than the substance of the allegations made in the *Sun*. This tactic may have been deliberate. The evidence gathered by the *Sun* correspondent and other baby-farming detectives was often ambiguous and may not have survived the rigor of sustained examination. In particular, Ady was repeatedly asked if he shared a bedroom with Graham and if he had fathered her illegitimate child. These allegations and Ady's angry reactions to them effectively scuppered any chance of success in the libel action. *Lloyds Weekly Newspaper* reported that 'After confused and contradictory statements by Dr Ady, Mr Vaughan,[the presiding magistrate] dismissed the summons remarking that never in his life had he been cognisant of a libel founded upon evidence so incoherent and unsatisfactory.'[390] Minnie Graham fared little better at the hands of the *Sun's* lawyers, with questions posed about 'whether she had ever lived an immoral life.'[391] Following the collapse of the libel action, the *Sun* was jubilant. The next day's issue claimed that the dismissal of the libel utterly vindicated its position and asserted that in Ady and Graham that

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[389] 'Massacre of the innocents: James C Ady proposes to close the controversy', *Sun,* 12 November 1895 p. 2.

[390] 'The Police Courts', *Lloyd's Weekly Newspaper,* 15 December 1895, p. 18.

[391] 'Libel action for £10,000', *Reynolds' Newspaper,* 31 January 1895, p. 6.

they had successfully unmasked a 'baby-sweater' and abortionist.[392] *The Sun* asserted that it had not set out to seek out specific baby-farmers, with the paper's editor claiming that 'the public are now well acquainted with the facts upon which I [the editor] ventured upon exposing this serious scandal.'[393]

Conclusion

This is a particularly partial take on the events: whilst Ady and Graham had been disgraced and humiliated, the *Sun* had not bought them to justice. The newspaper had merely successfully defended a libel action, almost solely on the basis of the character defects of the litigants, rather than any compelling evidence of wrong doing. Nor had the paper managed to expose the vast organised network of paid-childcare provision that they had talked about in the first article in the series.

Nevertheless, in material terms, the *Sun* was marginally more successful than its predecessors, albeit more through luck than judgement. Ady and Graham's foolhardiness had allowed the paper to publically unmask a 'baby-farmer' in a court of law, some 40 years after this model of investigation had been pioneered. In every case the baby farming detective was unable to

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[392] 'Massacre of the innocents: the interviews', *Sun,* Monday 11 November 1895 p. 2.

[393] Massacre of the innocents', *Sun,* 13 December 1895, p. 3. As a footnote to the story, both O'Connor and Cadett appeared as witnesses in the British Medical Council Hearing in which Ady was struck off for infamous conduct, 'British Medical Council,' *BMJ,* 13 June 1896, p. 1463. In an unrelated case, heard in 1898 both Ady and Graham were imprisoned for performing abortions. An account of their conviction can be found in 'Central Criminal Court,' *Morning Post,* 19 January 1898, p.2.

bring the narrative to a conclusion and in doing so restore the established order and 'solve' the problem of paid-childcare, rendering the narratives incomplete and unresolved: a fundamental problem for an account modelled on a detective investigation.

Despite this, the authorial pose of the detective proved to be remarkably popular with a range of writers. In a manner, the fact that none of these investigations provided the 'proofs of guilt' they had promised was immaterial.[394] The narrative structure of these pieces with 'detectives' investigating a 'crime' and interviewing suspects, served to reinforce the notion that all forms of paid-childcare were undertaken with criminal intent. Such narratives played a crucial role in making the criminal 'baby-farmer' one of the most enduring representations of paid-childcare providers. However, as Chapter Four will explore, this representation did not go uncontested and the courtroom offered a space where these accounts could be challenged.

[394] 'Baby-Farming and Baby-murder', *BMJ,* 8 February 1868, p.127.

4.

Courtroom dramas:

paid-childcare on trial

1881-1907

Introduction

The 'discovery' of women performing paid-childcare in the 1860s and 1870s provoked discussion within Select Committees and generated a rash of printed material, pioneering a range of discursive formations, albeit of a very particular type. Chapters Two and Three demonstrated that this conversation occurred almost wholly in the abstract; the paid-childcare provider remained a topic of discussion rather than being a meaningful participant within it. It is perhaps unsurprising that no paid-childcare providers were invited to give evidence before any of the four Select Committees that considered the topic of paid-childcare during the period covered by this thesis. This tendency to consider the 'problem' of paid-childcare in the abstract is also powerfully illustrated in the work of the 'baby-farming detectives.' Whilst the claim to authority of these reports is predicated on the notion that they are informed by direct encounters with paid-childcare providers, the women themselves are curiously marginal, appearing as little more than crudely rendered archetypes. As Chapter Three explored, a number of these writers were keen to espouse the view that there existed a 'system' of baby-farming in which a clandestine network of women traded and killed children to order. As a result, the women they claim to have encountered were defined as low-level operatives in a vast hierarchy of organised infant murder. The motivations and pathways into paid-childcare of these women was largely irrelevant to the writers' avowed mission to understand and expose the 'system' of paid-childcare to public scrutiny.

Addressing the silence of the very women whose activities had been subject to endless conjecture represents one of the key challenges and opportunities of this thesis. The informal, ad-hoc nature of paid-childcare does not lend itself to the production of written source material. As has been emphasised in the Introduction, women who offered broadly unproblematic forms of paid-childcare provision have not left written testimonies. It is no exaggeration to say that one of the few times the direct testimony of a paid-childcarer appeared in the historical record was when something went badly awry and they found themselves subject to police, judicial or medical scrutiny.

Trial and error

Given the informal manner in which paid-childcare practitioners operated, it should come as no surprise that accounts of trials - whether gleaned from newspapers or court documents - are some of the few historical records in which these women appear. Where they exist, court papers often contain extensive statements from the accused, neighbours and family, allowing the construction of rich histories.[395] However, the voice of the accused does not reach the historian unfiltered. Newspaper reports were shaped by the demands of the medium and subject to the selections and omissions of the

[395] Significant works include Daniel Grey, 'More ignorant and stupid than wilfully cruel' pp. 60-77 which considers the Rhoda Willis case (1908); Mark Jackson, 'The trial of Harriet Vooght' ,pp.1-18 which compares the trial of Charlotte Winsor to that of a woman accused of murdering their own children. The trial of Charlotte Winsor is also analysed in Judith Knelman, *Twisting in the wind* pp. 166-171.

writer.[396] Louise Jackson has asserted that court statements, far from being the unvarnished testimony of the witness, were in fact collaborative texts 'within the very specific and formulaic genre of the courtroom testimony.'[397] Along with the possibility of having their testimony re-shaped by another, it is worth noting that when stepping into the courtroom they entered as the subordinate figure enmeshed within power relations. Shani D'Cruze described the courtroom as an environment 'saturated with power.'[398] Indeed, the court room, far from being an environment in which working-class women could give their testimony freely, was an arena in which they were confined to merely answering the questions of others.

The notion of the courtroom being a site of gendered power has influenced Anette Ballinger's approach. Ballinger analysed the four capital cases involving paid-childcare providers in the twentieth century and described the court as being an instrument of 'gendered power ... disciplined and controlled by a pervasive system of male definition.'[399] The guilty verdict against Ada Chard Williams in 1900 was not arrived at by 'listening to conclusive evidence within an impartial courtroom. Instead, 'knowledge about Ada ... had been created by mobilising discourses around female

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[396] For further information on the practice of late nineteenth century court journalism see, Shani D'Cruze *Crimes of outrage,* pp. 174-185.

[397] Louise A. Jackson, *Child sexual abuse in Victorian England,* (London:2000), p.92.

[398] Shani D'Cruze, *Crimes of outrage,* p.148.

[399] Anette Ballinger, *Dead Woman walking,* p.41 ; These four cases were, Ada Chard Williams (executed 1900), Amelia Sach and Annie Waters (both executed 1903) and Rhoda Willis (executed 1907)

conduct and behaviour.'[400] Nicola Goc's treatment of medical evidence in trials involving women who had murdered other people's children demonstrated a similar approach. Goc argued that the medical evidence in such trials was 'framed as scientific and therefore as the voices of quantifiable 'truths' and was privileged in the witness box.'[401] Goc and Ballinger's work showed that certain forms of narrative - particularly those presented by male professionals - were privileged within the confines of court. However, their theoretical approach gives little space to explore how others in the court contested these explanations. These totalising accounts fail to account for the agency of other social actors within the unfolding drama of the courtroom and the complex sets of relationships and processes that were being played out in court. Ginger Frost illustrated the fact that participants within legal dramas do not always act in predictable ways or conform to prevailing gender ideologies. With reference to the Kitty Byron case of 1902, Frost stated that Byron, as a woman who had 'perpetrated a premeditated murder on a public street and spent only seven years in prison, complicates historians' interpretations of the "moralistic" courtroom of the early twentieth century.'[402] Frost claimed that if the trial of Kitty Byron had played out in the prescribed manner, 'Kitty Byron should have

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[400] *ibid.*

[401]Nicola Goc, *Women Infanticide and the press 1822-1922: News Narratives in England and Australia,* (Farnham:2013), p. 9.

[402] Ginger Frost, ' "She is but a Woman": Kitty Byron and the English Edwardian Criminal Justice System', *Gender & History*, 16: 3 (2004) p. 558.

hanged, been declared insane, or at least served twenty years for her violence and "promiscuity." '[403]

Creating a drama

By contrast, this chapter takes a particular interest in exploring the uneven and unpredictable ways in which gendered and classed power dynamics played out in the course of trials, exploring the courtroom as a site of drama and conflict, in which the participants crafted narratives with the aim of avoiding legal and social censure. An interesting parallel can be found in the manner of the trials of women charged with infanticide.[404] As has already been noted in this thesis, the conviction of women accused of murdering their own infants was extremely low. Christine Krueger has asserted that in such cases, defence lawyers would rarely attempt to challenge medical evidence directly, but would attempt to counter it with narratives of the helplessness and powerlessness of the accused, using techniques borrowed from the Victorian tradition of melodrama.[405] Whilst such a defence did not directly challenge late nineteenth and early twentieth century gender norms, they are suggestive of a space that allowed women to work within dominant discourses to challenge medical evidence. A study of paid-childcare benefits from a similar approach, in which the courtroom is a site for negotiation, conflict and investigating meaning, exploring how

[403] *ibid.*

[404] For example,Margaret Arnot, 'The Murder of Thomas Sandles', pp.149-167 ; Nicola E. Goc, 'Medea in the courtroom', pp. 30-46 ; Anne-Marie Kilday, A *history of infanticide in Britain 1600 to the present* (Basingstoke: 2013) pp. 132-146.

[405] Christine L. Krueger, 'Literary defences and medical prosecutions: representing infanticide in nineteenth century Britain', *Victorian Studies* 40: 2 (1997), pp. 271-294.

protagonists came to the site of the court and constructed narratives and performed them within the space of the courtroom.

Along with suggesting that the space of the courtroom cannot be seen as a place where gender and class power was exercised without resistance, Kruger's approach to analysing court cases suggests that courtroom exchanges can be analysed as performances, in which the space of the court becomes the site of an ongoing drama, characterised by what D'Cruze described as 'the knowing adoption of roles by the protagonists and officials.'[406] Such an approach also suggests an ability to explore how knowledge of these roles was gained and transmitted.

Looking at trials

As has already been emphasised in the Introduction to this thesis, attempts to examine the role paid-childcare played in late nineteenth and early twentieth century Britain have focused heavily on cases where a verdict of murder was recorded. These high-profile murder trials generated extensive press coverage and extensive archival records, but they offer less scope to explore the processes by which judgements about paid-childcare providers were reached. With the notable exception of the case of Margaret Waters, in the nine cases tried between 1865 and 1908 in which a paid-childcare provider was convicted of murdering an infant in her charge there was evidence of physical violence being inflicted on the child.[407] By contrast, in

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[406] Shani D'Cruze, *Crimes of violence*, p.137

[407] The Margaret Waters case is interesting as the evidence against her is far from conclusive. Homrighaus 'Baby-farming,' p. 62 asserted that in many respects 'she acted like

the small yet potentially rich selection of non-capital cases identified by this thesis, the absence of physical evidence of violence meant that late nineteenth and early twentieth century juries were asked to weigh up ambiguous and conflicting evidence and make decisions of culpability, intent and ultimately decide whether adequate care had been offered by the accused. Whilst limited in number, these six accounts offer great potential for a rich and nuanced reading of the event that unfolded. In particular, in the absence of unambiguous medical evidence, it becomes necessary to consider what forms of evidence were presented in court, how it was interpreted in the press and how the accused attempted to contest the meanings generated. This chapter will offer a short summary of each of these cases, before comparing the evidence offered in each of the trials.

The Cases

The 1897 *Infant Life Protection Act* extended the number of women who came under the legislation and also placed a requirement on Poor Law Unions to ensure that such women were subject to regular inspection.[408] Whilst the impact of the 1897 Act will be discussed in more depth in Chapter Five, it is possible to speculate that the combination of more strenuous legislation and more rigorous enforcement led to an increasing number of paid-childcare providers appearing in court. As Chapter One has established, the decision to shift the focus of this study away from

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a legitimate nurse' and although she had disposed of bodies in the Thames, that she seemed to lack a clear strategy for profiting from the deaths of the infants. See also, David Bentley, 'She Butchers, Baby-droppers, baby sweaters and baby-farmers', pp. 198 -214

[408] *Infant Life Protection Act* 1897, 60 & 61 Vict c.57

comparatively well analysed high-profile murder cases has allowed a wider range of cases to be explored, leading to a more considered understanding of how paid-childcare was represented. However the trade-off from the search for more representative cases is that the number of cases, and the amount of material in each case, are reduced. The problem is not primarily an absence of paid-childcare providers appearing within the court system or these cases being reported in the press. Police Court cases featuring paid-childcare providers were a staple of local newspapers.[409] The overwhelming majority of these cases were for technical infractions of the *Infant Life Protection Acts* and were dealt with by means of a fine or a few weeks of imprisonment.[410] Unfortunately, where these records remain, they record only perfunctory details and are too slight to draw meaningful conclusions about how the drama of the judicial process played out.

Absent or inadequate court papers also bedevil attempts to analyse cases drawn from the Courts of Assize and the Central Criminal Court represents a similar challenge, with only a fraction of records being retained. The haphazard survival of court papers has led to a comparatively small body of cases for which substantial case material can be accessed.[411] Whilst trial

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[409] The 1897 Infant Life Protection Act extended the categories of Infant Life Protection Act extended the number of women who came under the legislation and also placed a requirement on Poor Law unions to ensure that such women were subject to regular inspection. This increased visibility of such women is reflected in the *Standard*'s 'Police intelligence' column. The legislative background has already been discussed in Chapter Two, the impact of an enhanced inspection regime are tackled in Chapter Five.

[410] For example see, 'Police intelligence', *Standard,* 16 November 1896, p. 6 ; 'Protecting the infants', *Lloyd's Weekly Newspaper,* 31 July 1898 p.6 ; 'The protection of children' *Leeds Mercury,* 27 November 1896 p. 7

[411]A fuller list of court cases involving paid-childcare providers is given in Ruth Homrighaus, 'Baby farming,' pp. 271-275. Daniel Grey, 'Discourses of Infanticide,'p.238

papers for non-capital cases heard in the English Courts of the Assize have largely been disposed of, the Scottish High Court records have been preserved and constitute a rich source for the historian, in particular and the paperwork relating to Barbara McIntosh's trial for Culpable Neglect in 1881 is extensive. Similarly, the survival of Coroner's Court cases of this era is haphazard, but a complete run of cases survives for the Liberty of the Duchy of Lancaster in North London, including the inquests on the corpses of infants who had died in the care of Mary Packer and Jessie Byers, held in 1899 and 1907 respectively. Trials held in the Central Criminal Court - better known as the Old Bailey - have also been recorded in the Central Criminal Court Sessions Papers.[412] Of the cases documented in the session papers, records exist for the 1891 trial of Joseph and Annie Roodhouse for Obtaining money under False Pretences, Annie Reeves's conviction for Manslaughter in the same year, Amy McNeil Douglas's Manslaughter trial in 1899 and the criminal trial of Jessie Byers in 1907 as a result of the findings of the Coroner's Court jury earlier in the same year. Whilst this sample is small, self-selecting and not representative of paid-childcarers who found their way into the criminal justice process, let alone paid-childcare providers as a whole, they demonstrate the type of conversations that were being conducted within the space of the courtroom and beyond its

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asserted that the cases of Jane Arnold and Mary Hayes (both Manslaughter, 1888) garnered press attention, but the trial records for these cases do not exist, seemingly lost in the pruning of the Assize Court records.

[412] The Sessions papers, were published by a private company but by this time enjoyed a quasi official status and were extensively used by lawyers and Home Office officials who held them in high regard for the accuracy of their accounts. For an account of how the Sessions Papers gained their status see, S. Devereaux, 'The City and the Sessions Paper: 'Public Justice' in London, 1770-1800', *Journal of British Studies* 35 **(**1996), pp. 466-503.

boundaries. To fully understand how meanings were generated by the trial, it is necessary to explore the background to each of the cases studied. The analysis of these six cases will not only contextualise the actions of the paid-childcare providers, but will root the events of the trial within their cultural context.

Barbara McIntosh (1881) [413]

Barbara McIntosh was sentenced to 15 months imprisonment in February 1881 at the High Court in Edinburgh for neglecting four infants in her care. Whilst this case seems to have attracted limited press interest outside of Scotland, the legal files associated with the McIntosh trial are by far the most comprehensive of any of the cases studied. At the time of her conviction, Barbara McIntosh was aged 41 and had been receiving children in exchange for money for money for a period of 12 years. She was living in the seaside town of Portobello at the time of her arrest. McIntosh had already been fined for not registering under the terms of the 1871 *Infant Life Protection Act*, but continued to practice paid-childcare. In the aftermath of this conviction, Barbara McIntosh continued to offer paid-childcare, but made sure that she only had one child under the age of one in her home at any one time.[414]

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[413] In all court documents Barbara McIntosh is described as Barbara McIntosh or Gray, reflecting the Scottish custom that married women could be known by either their birth name or married name. It would appear that the defendant was known socially as Mrs Barbara McIntosh.

[414] Second declaration of Barbara Gray or McIntosh, 7 December 1880, High Court of Judiciary processes 1881, National Records of Scotland (hereafter, NRS), JC26/1881/266/3.

McIntosh had been resident in Portobello for less than a year at the time of her arrest having moved between numerous properties on the outskirts of Edinburgh in the preceding years. She lived with her husband, an out of work coachman, three of her own children and an ever changing number of children she was paid to look after.[415] McIntosh had secured children from a variety of sources, including from the local maternity hospital and from local general practitioners, but her most successful method would appear to be a standing advertisement placed in the *Scotsman* stating that she 'had a notion of bringing up children.'[416] Whilst it was not possible to definitively trace the number of children who resided with McIntosh, it was revealed during her trial that seven children had died in her home in the previous two years. However prosecutions were only pursued in four cases dating between 1876-1880.[417]

In each of the four cases bought before the court, the children had received medical attention during their final illnesses and all doctors were prepared to certify that the children had died of natural causes. However, it should be noted that the four infants, had been seen by different doctors and their deaths registered in different parishes. This would appear to be a case of design rather than accident, on one occasion McIntosh had travelled from Portobello with a dying child to have its death certified by a Doctor in

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[415] *ibid.*

[416] First declaration of Barbara Gray or McIntosh, 14 October 1880, High Court of Judiciary processes 1881, NRS, JC26/1881/266/2.

[417] 'The Portobello baby-farming case' *Dundee Courier & Argus* 17 January 1881 p. 5 ; Indictment against Barbara Gray or McIntosh, 16 January 1881, High Court of Judiciary processes 1881, NRS, JC26/1881/266/6.

Edinburgh.[418] All of the four children were diagnosed as having died from either diarrhoea or marasmus, both conditions associated with consuming contaminated milk or inadequate nutrition.[419] Given these circumstances around the children's deaths, it would be unlikely that anyone would have had an overview of the scale of McIntosh's operation.

McIntosh came to the attention to the police when John Braid, a child she had taken at two days old for a lump sum payment of £10, subsequently died in the care of another paid-childcare provider in July 1880.[420] Having had the child for less than a fortnight, McIntosh placed an advertisement for a woman to take the child in exchange for 5 shillings. The indictment alleged that McIntosh had placed the child with Mary Spears, as she was aware that John Braid was gravely ill and she 'wished to avert suspicion' from her own 'culpable and wilful neglect.'[421] John Baird continued to weaken and was taken to the workhouse hospital by the woman who had received it from McIntosh. This death appears to have triggered an Edinburgh County Police investigation into McIntosh.

When the case came before the High Court, it was decided that the multiple counts of culpable homicide, based on the claim that McIntosh had caused

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[418] First declaration of Barbara Gray or McIntosh, 14 October 1880, High Court of Judiciary processes 1881, NRS, JC26/1881/266/2.

[419] First declaration of Barbara Gray or McIntosh, 14 October 1880, High Court of Judiciary processes 1881, NRS, JC26/1881/266/2.

[420] Letter, Barbara McIntosh to Elizabeth Braid, [No date], Crown Office Precognitions, 1881, NRS, AD14/81/82/27.

[421] Indictment against Barbara Gray or McIntosh, 16 January 1881, High Court of Judiciary processes 1881, NRS, JC26/1881/266/6.

their deaths by feeding 'improper and deleterious food' was unsustainable without knowing what food was given to them during their time in McIntosh's care.[422] As a result, this portion of the charge was withdrawn and McIntosh was only indicted on the charges of culpable neglect. McIntosh was convicted on the lesser charge and was duly sentenced to 15 months imprisonment on 21 February 1881.[423]

Joseph and Annie Roodhouse (1891)

Like a large number of people offering paid-childcare, Joseph and Annie Roodhouse had advertised their services in the classified pages of national newspapers.[424] However when the Roodhouses appeared at the Old Bailey in May 1891, Joseph, a 26 year old clerk from Camden, and his 24 year old wife Annie were not charged with alleged neglect of children in their care, but of financial malpractice.[425] The six counts of obtaining money under false pretences, to which both entered a guilty plea, were believed to have represented a fraction of their activity, with at least further 34 cases identified where they had adopted similar tactics.[426] It was alleged in court

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[422] Indictment against Barbara Gray or McIntosh, 16 January 1881, High Court of Judiciary processes 1881, NRS, JC26/1881/266/6 ; 'High Court of the Judiciary', *Glasgow Herald,* 2 February 1891, p. 9. Culpable Homicide is broadly equivalent to Manslaughter in English law. For a more detailed analysis of the differences between Culpable Homicide and Manslaughter see, Caroline A. Conley *Certain other countries*, p. 15.

[423] 'Special telegrams', *Liverpool Mercury,* 22 February 1881 p. 5.

[425] 'The charge of baby farming', *Daily News,* 21 March 1891, p. 7

[426] Indictment against Joseph Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, National Archives (Hereafter, NA) CRIM 4/1069/66 ; Indictment against Annie Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, National Archives (NA) CRIM 4/1069/67 'The Central Criminal Court,' *Standard,* 9 May 1891, p. 11.

that over the course of two years, this had yielded Joseph and Annie Roodhouse over £219.[427] Given the complexities of the case, the Roodhouses made multiple police court appearances prior to standing trial at the Central Criminal Court.

The Roodhouses' approach to acquiring children was comparatively simple and changed very little from case to case. Throughout 1890 and 1891, the couple had placed advertisements in the London press under assumed names stating that they were a respectable married couple, unable to have children and keen to adopt.[428] Upon meeting respondents at their home, they would embellish this image of relatively prosperous domesticity. The couple claimed that they were temporarily staying with relatives in Camden and explained they had come to the capital with the intention of adopting a child, before returning to their home in either Preston or Birmingham, where Joseph held a responsible position – as a manager or accountant – in a mill or factory.[429] Upon meeting the woman surrendering the child, Joseph and Annie Roodhouse would ask for a sum ranging from £3 to £20, in order to buy a pram or cot or to defray the cost of taking the baby to their home, and ask her to sign a 'legal' document stating that she relinquished all claims to the child and would not attempt to contact the Roodhouses.[430]

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[427] 'Central Criminal Court,' *Standard* 8 May 1891, p. 2.

[428] 'How a dock labourer was deceived', *Pall Mall Gazette,* 14 March 1891, p. 7.

[429] Indictment against Joseph Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1069/66 ; Indictment against Annie Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1069/67.

[430] *ibid.* In a number of cases Annie and Joseph Roodhouse also managed to secure clothing for the child along with payment. Along with a fee of £6 they got Jane Forrest to surrender

Given the prevailing taboos around raising children, other than one's own, in late nineteenth century Britain, the Roadhouses' claim that they had travelled hundreds of miles to adopt a child and their unwillingness to allow any further contact with the child, could equally be a hallmark of genuine adopters seeking to obscure their child's origins.[431] Having secured payment, Joseph and Annie Roodhouse were alleged to have divested themselves of the children as rapidly as possible. The couple placed further advertisements in the *People* with Annie posing as governess, desperate to rid herself of a child that she had conceived out of marriage and was anxious to preserve her job and reputation by placing the child in a loving family without payment. The advertisement read, 'Would any woman adopt infant from birth for love only? - Reply "T.T," 49 Hanaway-Street.' [432]

It would seem that this apparently heartfelt appeal did not go unanswered and three women testified in Bow Street Police Court that they had taken children from Annie Roodhouse without asking for, or receiving, any payment.[433] It would be the solicitude of the women who surrendered children to the Roodhouses in the first place that would eventually lead to the couple's arrest. Jane Forrest, who had surrendered her infant daughter to the Roodhouses along with £6, managed to extract a promise that they

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a cape, two bonnets, a merino dress, two bodices, one coat and cape and five red frocks and one pair of gloves. These items were generally pawned or sold soon after the baby entered their care. As has already been explored, this 'legal' document had no status.

[431] For a discussion of secrecy in adoption, see Deborah Cohen, *Family secrets,* pp. 113-143.

[432] 'How a dock labourer was deceived', *Pall Mall Gazette,* 14 March 1891, p. 7.

[433] 'The baby farming case', *Morning Post, 6* April 1891, p.11.

would send regular reports on her welfare.[434] Forrest soon became suspicious when the letters she received from Joseph Roodhouse, attesting to the child's wellbeing, had a Kentish Town postmark, despite purportedly being sent from Preston. When Forrest's letters sent to the return address in Preston went unanswered, she became suspicious and in December 1890 she alerted the police.[435] Forrest's report triggered an extensive police investigation and, by use of letters discovered in Joseph and Annie Roodhouse's home, managed to trace a number of the infants who had passed through their hands.[436]

Alice Reeves (1891)

Alice Reeves was arrested at her Lambeth home on the last day of 1890 after a doctor she had consulted to treat 14 month old Stephen Simmons had raised concerns about the conditions the child was being kept in.[437] Reeves had told Dr Patrick Simpson that she was the child's mother and her husband was away at sea. In reality, Reeves was receiving six shillings a week in return for caring for the child; unbeknownst to Dr Simpson a

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[434] Indictment against Joseph Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1069/66 ; Annie Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1069/67.

[435] 'The Charge of baby-farming', *Daily News,* 21 March 1891 p.7

[436] The Police investigation was led by the high-profile Chief Inspector Fredrick Abberline whose reputation was based on his involvement in the Whitechapel Murders of 1888 and the Cleveland Street Scandal of 1889.

[437] Evidence of Ellen Simmons, 9 March 1891, Central Criminal Court Session Papers, 1891, Fifth Session, NA, PCOM 1/139.

further seven children were accommodated in the same house. [438] Simpson was called to the home on several more occasions. At first his concern would appear to have focused on how Alice Reeves was preparing the food for the child, complaining that whilst the beef juice, eggs and brandy that she was feeding Stephen 'would not be improper, she prepared it in a way I would consider wrong.'[439] These concerns were superseded by increasing concern that Stephen Simmons, continued to weaken and that he was kept 'in a filthy and disagreeable condition ... pegged with vomited matter.'[440] On his third visit to the house, Dr Simpson was asked to examine a further two children, who Reeves claimed were also afflicted with diarrhoea. Finding the children to be in what he considered to be an equally squalid and sickly state and Stephen in what Simpson described as a 'dying condition' he insisted that the children be admitted to hospital.[441] It was when Reeves refused to allow the children to be admitted to the hospital that Simpson alerted the police. On 30 December, an NSPCC Inspector and a police officer gained entrance to Reeves's house where the full scale of her activities was revealed. The eight children were removed to the NSPCC's shelter and Reeves was charged with neglect of all eight children in her care. Reeves's

[438] Evidence of Patrick Simpson, 9 March 1891, Central Criminal Court Session Papers 1891, Fifth Session, NA, PCOM 1/139.

[439] *ibid.*

[440] *ibid.*

[441] *ibid.*

husband, Charles May, who was not in the house at the time, was charged with the same eight offences a number of days later. [442]

As Doctor Simpson had identified, Stephen Simpson was in a dying condition and he expired at the NSPCC shelter on 8th January 1891. On 13th January a Coroner's jury heard evidence from A J Pepper, the surgeon who had conducted a post mortem on Stephen Simmons.[443] Mr Pepper was utterly unequivocal in his evidence; he attested that he was 'certain' that the child had died from insufficient food. *The Times* claimed that such was the impact of Pepper's testimony that the coroner's jury 'at once returned a verdict of "manslaughter" against Mrs Reeves.'[444] Of the remaining seven children who were removed from Alice Reeves's care, a further two children died by the end of January.[445] No further charges were brought against either Reeves or her husband in relation to either of these deaths. When the case reached the Central Criminal Court in March 1891, no evidence was offered in relation to the eight charges of neglect, as a result no action was taken against Charles May.[446] The Crown proceeded with a single charge

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[442] Indictment against Alice Reeves, 9 March 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1067/30.

[443] 'Inquests', *The Times,* 14 Jan 1891, p. 7.

[444] *ibid.*

[445] 'Inquests', *The Times*, 24 January 1891, p. 11 ; A verdict of manslaughter was also recorded in a separate verdict the case of a 20 month old child referred to as Albert Reeves in the Coroner's Court on the 23rd January 1891. However this case was not proceeded with.

[446] Incitement against Charles Stanley May, 9 March 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1067/31 ; 'The London baby farming case' *Birmingham Daily Post* 14 March 1891 p.8.

against Alice Reeves for the manslaughter of Stephen Simmons.[447] All the key witnesses who featured in the Coroner's Court also appeared at the Central Criminal Court trial, with the prosecution case centred on Pepper's post-mortem evidence and the claim that the child's death had been brought about by starvation.[448] Despite addressing the jury at some length and bitterly contesting this claim, Reeves was sentenced to ten years imprisonment.[449]

Mary Packer (1899)

Of all the paid-childcare providers examined here, Mary Packer of Edmonton was the only woman to not face criminal sanction for her actions. In September 1899, a coroner's jury ruled that two children in her care had both died of natural causes.[450] Sudden infant death had not been unknown in Mary Packer's home and in the previous eight years, a total of eleven children had died under Packer's care.[451] Mrs Packer had also served a month's imprisonment in 1896 for a failure to register under the Infant Life

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[447] Indictment against Alice Reeves, 9 March 1891, Central Criminal Court Indictments, Felonies and Misdemeanours, NA, CRIM 4/1067/30.

[448] Indictment against Alice Reeves, 9 March 1891, Central Criminal Court Indictments, Felonies and Misdemeanours, NA, CRIM 4/1067/30 ; 'Central Criminal Court,' *Standard,* 14 March 1891 p. 2

[449] Indictment against Alice Reeves, 9 March 1891, Central Criminal Court Indictments 1891, Felonies and Misdemeanours, NA, CRIM 4/1067/30.

[450] Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, London Metropolitan Archive (hereafter LMA), COR/DOL/1899/004.

[451] Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

Protection Act.[452] Despite this conviction, Edmonton's Infant Life Protection Officer had continued to allow Packer to receive and keep infants.[453] This death rate did not go unnoticed and when three year old William Sutter and two year old Arthur Baxter died in August 1899 and the attending Doctor found both bodies in an emaciated state, he refused to sign the death certificate and a post mortem was ordered to be performed on their corpses.[454] The inquest performed on Sutter's corpse by Dr Vance Johnson revealed:

> No marks of violence on the body. The death was, X in my opinion X, [original emphasis] characteristic following gastroenteritis. The emaciation would be consistent with a prolonged attack of diarrhoea.[455]

Whilst large numbers of children had passed through the house and a large number had died, there remained 12 people in the house to support. The household comprised Mrs Packer, her three adult children and what she described as her three 'adopted' children.[456] These 'adopted' children were

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[452] *ibid.*

[453] Evidence of William Lowman, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

[454] Memorandum from Home Office to Deputy Coroner for HM Duchy of Lancaster, 28 August [1899] LMA COR/DOL/1899/004, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

[455] Evidence of Dr Vance Johnson, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

[456] Evidence of Mary Packer, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004. In the context of this document, the term and is used to describe a relationship of emotional attachment to the child being legally affiliated.

those whom she had taken in for a weekly fee, but payment had ceased many years previously so brought in no income. In evidence Packer claimed that the household of 12 survived on an income of 32 shillings a week.[457]

Throughout the inquest, Packer was insistent that she did not accept 'lump sum cases' and would only accept a child for a weekly fee. Uniquely amongst the women studied here, Packer did not use classified advertisements as a tool for acquiring children; instead she relied on personal contacts.[458] These included the Superintendent of the local workhouse and Salvation Army Officials. Representatives of both organisations, along with former neighbours, were contacted by the police to provide an assessment of Packer's character. A verdict of 'natural causes' was recorded in the case of both children and no further action was taken against May Packer.[459]

Amy McNeil Douglas (1899)

Unlike many of the women mentioned above, Amy Douglas was registered with the local authority under the terms of the 1897 *Infant Life Protection Act* and had been subject to inspection. Douglas was a 28 year old widow who had moved to Chingford in April 1899 from East London. Whilst Douglas had no children of her own, accompanying her to her new address were six children for whom she was paid weekly fees to look after. Ahead of

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[457] *ibid.*

[458] Packer had not received a child from the Salvation Army for a number of years and the organisation had written to the coroner in order to inform him of this and to ask him to make that point within the trial. See, 'Edmonton baby scandal' *Reynolds Newspaper* 24 September 1899, p. 5.

[459] Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

her move to Chingford, Ellen Roberts, the West Ham Infant Life Protection Officer reported that Douglas's home in London had been generally very clean and orderly, but that there was an absence of furniture and the children slept in 'wooden boxes on the floor with something like straw in them.'[460] Whilst the Infant Life Protection Officers in West Ham and Chingford were aware that Amy Douglas made her living as a paid-childcare provider, she was less forthcoming with her new neighbours in Chingford, claiming that the children were her own.[461] Douglas also omitted to tell the Doctors she summoned to the house that the children they were treating were not her own. Douglas had contacted two general practitioners in Chingford requesting medicine for diarrhoea. Dr Beresford provided two batches of medicine in April and May of 1899. Dr Priddie also visited the children in person and provided advice on the feeding of infants with diarrhoea to Douglas, advice which Priddie reported Douglas 'appeared eager to follow.'[462]

Despite Douglas's seeming willingness to follow the advice of the doctors she consulted, , it would not be long before the children started to die. Douglas's neighbour reported that on 7 August, Douglas appeared at her door in a state of distress and told her that one of the children in her care, seven

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[460] Evidence of Ellen Roberts, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

[461] Evidence of Rachel Berry, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

[462] Evidence of John Priddie, 12 September 1899, Central Court Sessions Papers 1899, Eleventh Session, NA PCOM 1/150.

month-old Willie McDonald, had died.[463] Dr Priddie attended the house the following morning and upon witnessing the emaciated state of Willie McDonald's body and the sickly condition of the other children, refused to issue a death certificate and reported the matter to the police.[464] An autopsy performed on Willie McDonald revealed that he weighed only 6lb and his stomach was empty, apart from some curdled milk. The surgeon performing the autopsy found no sign of violence or poisoning and concluded that Willie McDonald had died of inadequate or insufficient food.[465] Following the death of Willie McDonald on 7 August, Adelaide Kelling died on the next day, Evelyn Hodgson on 10 August and Winifred Keen, extremely ill was removed from the house on 11 August and subsequently died a few days later in Walthamstow Hospital.[466] The next day, Sergeant William Reid attended Douglas's house to arrest her and encountered a scene he subsequently described as being 'queer ... swarming with flies and vermin.'[467] Reid reported that Douglas was in a state of distress and claimed that she had to leave the house as 'she couldn't stand it, three children

[463] Evidence of Rachel Berry, 12 September 1899, Central Court Session Papers, 1899, Eleventh Session, NA, PCOM 1/150.

[464] 'Charge of manslaughter', *Illustrated Police News,* 26 August 1896, p. 4.

[465] *ibid.*

[466] [No title], *Hampshire Advertiser,* 19 August 1899 p. 3.

[467] Evidence of William Reid, 12 September 1899, Central Court Session Papers, 1899, Eleventh Session, NA, PCOM 1/150.

dying in four days like that.' [468] Douglas also attributed the death of the children to a 'sort of fever' that she was at a loss to explain.[469]

In respect of all the children who had died in the first few weeks of August, a verdict of Manslaughter was recorded in each case, with the conclusion being reached that the infants had 'deceased from want of proper food and that Amy Louisa McNeil Douglas was responsible for the want of proper food.'[470] Just as in the Reeves case, Douglas was indicted on a single charge and stood trial for a single count of manslaughter – that of Winifred Keen. Douglas's trial took place at the Central Criminal Court on 16 September 1899 and the jury did not take long to return a verdict of guilty on one count of manslaughter. In sentencing Douglas to five years imprisonment, the trial judge noted that he would have imposed a longer sentence on Douglas had it not been for the fact that she had only turned to taking in children for money as she had lacked the means to support herself.[471]

Jessie Byers (1907)

Of all the paid-childcare providers analysed here, Jessie Byers was given the shortest sentence, being sentenced to twelve months without hard labour when she appeared at the Old Bailey on 28 January 1907.[472] At the time of her conviction, Byers was 40 years old and living in Edmonton,

[468] *ibid.*

[469] *ibid.*

[470] *ibid.*

[471] 'Before Mr Justice Phillimore', *The Times,* 18 September 1899 p. 6.

[472] Indictment against Jessie Byers, 28 January 1907, Central Criminal Court Indictments 1907, Felonies and Misdemeanours, NA, CRIM 4/1262/44.

North London along with her three children and husband. Byers claimed to have begun accepting children into her care in January 1906 shortly after moving into the district. By her 14 year old daughter's account, Jessie Byers' move into this field of work had been precipitated by her husband's dismissal from his job as piano maker.[473] Despite working in this field for a comparatively short period of time, Byers acquired a large number of children in rapid succession and at the time of her arrest there were five children living at that address. Such had been the high turnover of children that her daughter struggled to recall the names of the children who had passed through the house.[474]

What is clear is that Jessie Byers had not registered under the terms of the 1897 Act and that at least four and possibly six of the children who had passed through her house had died in the course of less than 12 months.[475] It was not the manner of the deaths themselves that led to Byers' appearance in court, but her conduct after their deaths that bought her to the attention of the authorities. The first death, Irene Thompson, had been reported to the coroner and an inquest duly performed. However in subsequent cases, Byers went to considerable lengths to prevent an inquest being held on the bodies of infants who died in her care. When in August 1906 an infant named Gladys Smythe died, Byers allowed the body to

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[473] Evidence of Mildred Byers, Inquest on the body of Mary Balcombe, 10 December 1906, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL.1906.

[474] *ibid.*

[475] 'Charges under the Cremation Act' *The Times* 18 January 1907 p. 6. ; 'Cremated babies' *Daily Mail* 11 December 1906, p.4.

remain in an unoccupied room of the house for nearly a fortnight. After this time the odour of Gladys's decomposing body was becoming noticeable. In the presence of her ten year old son, Byers burned the corpse in the kitchen stove.[476] When in November 1907 Winifred Davis died, a similar series of events played out. Winifred's body was left in an empty room, before being burnt in the kitchen stove, again with assistance from Byers' young son.[477] Byers and her son had been observed burning Winifred's body by the household's 14 year old maid, who, unbeknownst to Byers, had been standing in the adjoining scullery. After Byers and her son had left the room, the servant, Jenny Atkins, examined the stove and observed what she described in court as 'a black mass' and two pieces of fabric in the stove.[478] Atkins removed the fabric from the stove and took them to the police station. When the police arrived at Byers' home on 27 November to arrest her, in addition to five surviving children they also found the corpse of an eight month old child, subsequently identified as being Mary Balcombe whose body Byers had not attempted to cremate. Police subsequently traced the mothers of both Smythe and Balcombe and discovered that Winifred Davis's mother had not known about her daughter's death for a number of weeks and, that upon Davis being told of her daughter's death, Byers had

[476] 'Evidence of Arthur Byers, 28 January 1907, Central Court Session Papers, 1907, Fourth Session, Advocates Library (hereafter, AL), D/H P.38.

[477] *ibid.*

[478] Evidence of Jenny Atkins, 28 January 1907, Central Court Session Papers, 1907, Fourth Session, AL, D/H P.38.

managed to get her to pay 15 shillings for the child's funeral costs and the printing of memorial cards.[479]

Before Byers appeared at the Central Criminal Court, a coroner's inquest was held on the corpse of Mary Balcombe. Mary Balcombe had died as result of a fractured skull, which the autopsy revealed to have occurred within 24 hours of her death, after hearing evidence from the surgeon who had conducted the post mortem that the fracture had been caused by striking a flat object rather than a blow, the coroner's jury returned an open verdict and attached a rider stating that 'the child died from a fractured skill but we have no evidence of how the injury was caused.'[480] With the possibility of charges relating to the death of Mary Balcombe eliminated, Byers made an appearance at the Central Criminal Court in January 1907. Complex debates over the terms of the Cremation Act of 1902 meant that Byers was not convicted for burning the bodies of Gladys Smythe and Winifred Davis, but was convicted on lesser charges of preventing the coroner conducting an inquest and of obtaining 15 shillings from Winifred Davis's mother under false pretences.[481]

A tale well told

[479]Evidence of Clara Davis, 28 January 1907, Central Court Session Papers, 1907, Fourth Session, AL, D/H P.38.

[480] Inquest on the body of Mary Balcombe, 19 December 1906, Inquest papers, Liberty of the Duchy of Lancaster, LMA COR/DOL.1906/12.

[481] Indictment against Jessie Byers, 28 January 1907, Central Criminal Court Indictments, 1907, Felonies and Misdemeanours, NA, CRIM 4/1262/44.

Each character who appeared within the space of the courtroom was attempting to retell their unique experience of an extraordinary event to which they were intimately linked. However this cannot be thought of as a straightforward re-telling of the events that led to the trial being held in the first place. As Shani D'Cruze has asserted, the mere act of recounting forces a narrative order on complex and fragmentary events, giving an impression of 'discernible beginnings, middles and ends.'[482] The arena of the courtroom constituted a space where these competing stories could be recounted and the social actors telling them could attempt to impose a fixed meaning upon the events in which they had played a critical part. With the exception of the Roodhouse trial, which centred on an accusation of financial malpractice rather than child neglect, the cases within this chapter display a remarkable consistency in the type of witnesses. All these trials featured testimony from medical witnesses, the family of the deceased infant and neighbours of the accused. When the accused had living spouses, their testimony was also sought. This chapter is not primarily concerned with questions of innocence or guilt or whether individual witnesses gave accurate testimony. Instead, it will attempt to explore the stories told by the participants engaged in the drama of the courtroom and the effect these stories had. This approach will also allow a consideration how power-relations played out and, on occasion, were subverted.

Doctors and the status of medical evidence at trials

[482] Shani D'Cruze, *Crimes of outrage,* p. 148.

As has been discussed in the introduction to this chapter, the role of medical testimony in the context of women accused of harming children was of ambiguous status. The nature of medical evidence looms large in the evidence assembled in the case files analysed here. As Chapter Two demonstrated, attempts had been made by elements of the medical profession to define and police the boundaries of paid-childcare through their leadership of the Infant Life Protection Society and sustained campaigning in the *BMJ*. [483] Nevertheless, the assumed authority with which such figures spoke and wrote about social issues did not always extend to the courtroom. The authority of the medical testimony was undermined by the experience of infanticide trials throughout the century. As Chapter One has established, juries in infanticide cases during the nineteenth-century would routinely ignore compelling medical evidence and return not guilty or not proven verdicts. Juries and judges would, in the words of Ann Higginbotham, seize upon 'any positive scraps of evidence' in order to acquit the defendant.[484] Margaret Arnot suggested that this was reflective of a view that juries saw the lives of newborn infants as contingent and that infanticide was perceived as a form of 'late abortion' rather than murder.[485] Given this pattern of medical and legal proofs being ignored or at best filtered through social experience, it becomes important to critically evaluate the notion that medical evidence was a privileged form of

[483] See also ; Margaret L. Arnot, 'Infant death childcare and the state', pp. 271 – 311 ; David Bentley, 'She Butchers, Baby-droppers,' pp. 198 -214.

[484] Ann R Highinbotham. 'Sin of the age,' p. 266.

[485] Margaret L Arnot, 'The murder of Thomas Sandles', pp.149-170.

knowledge and examine how medical evidence was constructed and received within these trials.

With the exception of the children who died in the care of Jessie Byers, the remainder of the paid-childcare providers had consulted doctors during the children's illnesses. As has already been noted, the bodies of the children who had died displayed no signs of physical violence or of having been poisoned. Whilst there were no overt physical manifestations of wrongdoing, it is worth noting that in every case, the child's corpse was found in an emaciated condition. At death, three month old Evelyn Hodson was found to weigh 5lb 4oz and at two years old Stephen Simmons had only weighed 10lb 7oz.[486] Yet the mere presence of the emaciated body was not enough to prove that the child's death had been caused by the actions of the paid-childcare provider. In the manslaughter charges levelled against Reeves and Douglas, the Crown's case hinged on the fact that the children had been killed by Reeves and Douglas from 'want of proper food.'[487] In the case of the four charges of Culpable Homicide levelled against Barbara McIntosh, it was claimed that she 'did culpably and wilfully neglect to supply the child with wholesome and sufficient food ... and in consequence of which the child

[486] Evidence of John Priddie, 12 September 1899, Central Court Sessions Papers, 1899, Eleventh Session, NA PCOM 1/150 ; Evidence of Frank Reid, 9 March 1891, Central Criminal Court Session Papers 1891, Fifth Session, NA, PCOM 1/139.

[487] Indictment against Alice Reeves, 9 March 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1067/30 ; Indictment against Amy Louisa McNeill, Central Criminal Court Indictments 1899, Felonies and Misdemeanours, NA, CRIM 4/1172/38.

died.'[488] On first glance it would appear that the gaunt corpses of the children they had been paid to look after paid testament to their wilful neglect and starvation.

This view was advanced in the pages of the *Child's Guardian,* the official journal of the NSPCC, which claimed that this was testament to the deliberate, slow starvation by the paid-childcare provider and such an approach was adopted to minimise the chances of detection. The *Child's Guardian* asserted that 'they take a sum down, they neglect, they under feed, under clothe ... then follows diarrhoea, rickets, convulsions.'[489] The *Child's Guardian* attributed the fact that a doctor had been called to the children during their illness was de facto evidence of a paid-childcare providers' ill intent, 'death follows a medical certificate is given.'[490] If the treatment had ended more suddenly than was expected, an inquest is held and "natural cause" is the verdict.[491] The absolute certainty expressed by the *Child's Guardian* was not shared by medical witnesses who were rather more circumspect in their evidence. Even in cases where the doctors suspected that the actions of the paid-childcarer had caused or accelerated the death of the child, the symptoms were often ambiguous. At the trial of Amy Douglas, John Priddie, who had performed the post mortem on the corpse of Evelyn Hodson declared that 'I should say the child died of

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[488] Indictment against Barbara Gray or McIntosh, 16 January 1881, High Court of Judiciary processes 1881, NRS, JC26/1881/266/6.

[489] 'Another good example', *Children's Guardian,* 24 December 1888, p.121.

[490] *ibid.*

[491] *ibid.*

improper or insufficient feeding ... [but the] distinction between improper food and insufficient is a fine one.'[492] The distinction between improper and insufficient feeding is nevertheless an important one. Whilst the latter implies a deliberate policy of neglect, the former may have been the result of well intentioned, but nevertheless dangerous, feeding practices that were routed in community practice rather than medical knowledge. The diet offered to children who could not be breast fed, often consisted of either 'pap' a thick porridge-like substance or watered down cow's milk. The former was indigestible for infants and the latter was prone to contamination. Both had ruinous effects on the health of the child, but, in the absence of alternatives, were widely used by working-class women, who could not breast feed their own children.[493] Dr Patrick Simpson, the GP who had visited Alice Reeves, complained that after ordering one of the children suffering from diarrhoea should only be fed on milk and limewater: 'I subsequently found the prisoner had thickened it with gruel.'[494] The degree to which ' pap' was thought to be beneficial to children was articulated by the midwife and pioneering health visitor, Emilia Kanthack, in a 1907 handbook written for her colleagues.[495] Kanthack expressed exasperation that it was

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[492] Evidence of John Priddie, 12 September 1899, Central Court Sessions Papers 1899, Eleventh Session, NA PCOM 1/150.

[493] Emily E. Stevens *et al,* 'A history of infant feeding' *The Journal of Perinatal Education* 18:2 (2009) pp.32-39. Stevens described 'Pap' as consisting of bread soaked in water or milk and possibly sweetened with sugar or treacle. Other foods commonly given to infants consisted of arrowroot, oatmeal and sago. All of the above would be difficult for babies to digest.

[494] Evidence of Patrick Simpson, 9 March 1891, Central Criminal Court Session Papers 1891, Fifth Session, NA, PCOM 1/139.

[495] For more information of Kanthack's health visiting work, see Ellen Ross, *Love and Toil,* pp 203-209.

extraordinarily difficult to get working-class women to understand that their child's digestive system 'differs in the least from their own' and to counter the advice of 'terrible old gamps' who recommended feeding infants with 'pap.'[496] It is notable that Barbara McIntosh claimed that her competence and care for infants was demonstrated in her feeding them on a diet of 'condensed milk, and bread, arrowroot and cornflower,' a combination of foodstuffs that would be both difficult and painful for an infant to digest.[497]

The inability to divine malicious or criminal motive from essentially well meaning, but misguided, paid-childcare was further complicated by the possibility that the women were being tried for something that had been almost utterly beyond their control: the death of children from epidemic diarrhoea. During the period covered by the thesis, diarrhoea was endemic, particularly in the summer months. [498] Writing in 1904, paediatrician Robert Hutchinson demonstrated that at least 17,000 children in England and Wales died from diarrhoea in the first year of their life and, even with the best medical care and child rearing practice, an outbreak of diarrhoea would often be fatal.[499] The first years of the twentieth century were crucial in exploring causes and prevention of infantile diarrhoea. Valerie Flides

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[496] Emilia Kanthack, *The preservation of infant life: a guide for health visitors, six lectures to the voluntary health visitors in the borough of St Pancras,* (London 1907), p.65.

[497] First declaration of Barbara Gray or McIntosh, 14 October 1880, High Court of Judiciary processes 1881, NRS, JC26/1881/266/2 ; regardless of whether McIntosh did feed her children on this concoction, the fact that she presented this as the best possible diet for hand fed infants is significant.

[498] Emilia Kanthack, *The preservation of infant life* . p.68.

[499] Robert Hutchinson, *Lectures on the diseases of children,* (London: 1904), p. 21.

asserted that it was in the period 1900-1920 that the medical establishment in Britain began to assert that whether a child was breast or hand fed was the 'single most important factor affecting the infant mortality rate.'[500] In the case of all the infants mentioned, only one of them had been breast fed for any great period of time and the remainder would have been susceptible to illnesses such as diarrhoea. Whilst the phenomenon of 'summer diarrhoea' was well known and observed, it was not until 1906, after the trials analysed here had been conducted, that a causal link between artificial feeding and susceptibility to summer diarrhoea was firmly established.

Arthur Newsome, Brighton's Chief Medical Officer, managed to calculate that an infant fed on condensed milk was 94 times more likely to die from epidemic diarrhoea than an exclusively breast-fed infant.[501] Newsome decisively linked the spread of epidemic diarrhoea to the difficulties in keeping condensed, fresh and powdered milk free from contamination inside the home during hot weather. The fact that a number of children were being kept in close proximity and being fed from the same food source could open up the possibility of a different interpretation of the evidence in the Reeves and Douglas cases, where multiple children died in a matter of days.

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[500] Valerie Fildes, 'Infant feeding practices and infant mortality in England', p. 252

[501] Arthur Newsholme, *Domestic infection in relation to epidemic diarrhoea, (*London: 1906). For an account of attempts to reduce death from infantile diarrhoea see John Walker-Smith, 'Sir George Newman, infant diarrhoeal mortality and the paradox of urbanism', *Medical History* 42, ,pp.347-361.

It is possible to make a case that if studied in isolation; that medical evidence is inconclusive. The emaciated bodies of children, who had died in the hands of the women studied, could indicate behaviour anywhere along a spectrum, from deliberate slow starvation at one extreme to the occurrence of a virulent season illness that killed thousands of infants every year at the other. As such, medical witnesses did not treat the witness box as a bully pulpit from which to declaim their profession's authority over the trial, but instead emerged as muted and impotent figures, painfully aware of the limits of medical expertise. This served as a complete contrast to the strident and self confident manner in which Curgenven and Hart conducted themselves before the 1871 Select Committee. It is not to say that medical evidence was disregarded in the context of these trials, as will be demonstrated below, the ambiguous evidence offered by physicians offered raw material that could be contextualised and interwoven with other narratives to make them seem more compelling.

Parents

Of all the mothers who appeared in court in these six cases, all but two had been unmarried when they had given birth to their children. As discussed in Chapter Three, the tropes around unmarried motherhood in late nineteenth and early twentieth century Britain, were highly nuanced and under certain circumstances, unmarried mothers were more likely to be the object of pity than scorn.[502] This sympathetic treatment of such women was reflected in,

[502] Lesley A Hall, *Sex, gender and social change in Britain since 1880* (London:2000) explored the notion that there was not an absolute division between the 'good' chaste

and informed by, the literary genre of melodrama. Lydia Murdoch has asserted that this literary genre not only reflected social attitudes but 'the melodramatic mode … shaped public attitudes and ways of acting in public settings.'[503]

The impact of the 'melodramatic mode' over judicial processes has already been considered in Chapter One in relation to cases where unmarried women faced trial for murdering their own infants, but the impact of melodrama could also be detected in narratives around paid-childcare. Chapter Three explored how journalistic representations of women who had engaged the services of a paid-childcare provider were easily woven into a melodramatic narrative, with their helplessness and naivety forming a stark contrast to the avarice and malice of the woman they had paid to take care of their child.[504] Whilst the narrative of the melodramatic heroine was well established and readily understood, and likely to attract a sympathetic response, it was not a label that would be applied automatically to mothers whose children had died in the care of a woman paid to look after them. Indeed there was a possibility that such mothers might find themselves labelled as another archetype of late nineteenth and early twentieth century womanhood, the neglectful or absent mother. A useful example can be found in the treatment of Catherine Gunn whose infant son was murdered by the 'Edinburgh baby-farmer' Jessie King in 1889. This case does not form part of

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woman and the 'bad' promiscuous woman and that the rationale of the Victorian rescue movement was that women could be restored to their previous virtuous state.

[503] Lydia Murdoch, *Imagined Orphans*, p.16.

the analysis, but the harsh treatment meted out to Gunn by the *Scotsman* is nevertheless illustrative.[505] The paper's pitiless representation of Gunn as equally responsible for the death of her infant may reflect the fact that as a mature woman of twenty-eight, it was more difficult to present her as an *ingénue*, wickedly seduced. This would suggest that to avoid the moral, if not legal, blame for the death of their child in another woman's care, mothers were required to construct a performance of acceptable femininity and motherhood if they were to escape critical scrutiny.[506]

In witness statements given by mothers there is a tendency to emphasise that they had not selected the woman to whom they surrendered their child solely on the basis of her cheapness. A number of mothers claimed that they had been impressed by the paid-childcare provider's apparent competence and kindness towards children. Upon meeting Barbara McIntosh, Annie Goodfellow commented that she thought McIntosh a suitable woman to care for her child on the grounds she was a 'healthy, respectable countrywoman.'[507] In evidence given at the inquest of the two children looked after by Mary Packer, Rose Sutter told the jury that she 'took it as kindness' rather than a business arrangement that Mary Packer had taken her children in her care, despite being paid 4 shillings a week for having

[505] [No title] *Scotsman,* 19 February 1889, p. 4 ; 'Baby-farming', *NBDM,* 19 February, 1889, p. 6. ; For a more detailed description of the treatment of Catherine Gunn in the Scottish Press, see Jim Hinks, 'Baby-farming and the Scottish city', pp. 560-577.

[506] Of course, seduction under promise of marriage by a social superior was only one way in which unmarried women would find themselves pregnant. Ginger Frost, 'Black lamb of the black sheep' p. 295 asserted that women found themselves pregnant for a variety of reasons, including rape, seduction, adultery, failed courtship and long term-cohabitation.'

[507] Evidence of Annie Goodfellow, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

done so.[508] In the trial of Amy Douglas, Ada Welling stated that she had insisted on her child being taken on financial terms that, whilst disadvantageous to her, would, she believed, be in the interests of her child's welfare. As has been discussed in Chapter Two, children taken in exchange for a weekly payment were thought to be less at risk than those who were taken in exchange for a lump sum, as there was a financial incentive to keep the child alive. Welling recounted; 'She [Douglas] asked me to leave a lump sum down ...I think she said £2, I said certainly not. I wished my child to have a weekly payment.'[509]

Along with the repeated emphasis upon the fact that they had carefully selected a childcarer who they believed would act in the best interest of their infant was the assertion, made by a number of birth mothers that they had handed their child over in an excellent state of health. Such accounts helped to strengthen the prosecution's case that the paid-childcarer was responsible for the death of their child, the detailed descriptions of their child's state of health also served as a testimony of the birth mother's ability to perform the functions of motherhood by keeping the child healthy. In the trial of Amy Douglas, Ada Welling and Esther Hodson both offered extensive testimony as to how healthy and well provided for their children were when they had handed them over. Hodson in particular stated that the child had handed over the child with 'a good stock of long clothes, a cot and a bassinette[sic],

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[508] Evidence of Rose Sutter, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

[509] Evidence of Ada Welling, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

the child was very healthy, it was three months old and I had given it the bottle.'[510] This lengthy description as to the physical and material condition in which she handed the child to Douglas took up a large portion of her testimony, but Hodson revealed in one short sentence towards the end of her evidence that she had seen the child since, 'once, and once only.'[511]

In her evidence collected for the trial of Barbara McIntosh, Christina Whyte stated that the child she had handed over a fortnight after its birth had been strong and healthy, but after three weeks it was 'only skin and bone' and expressed the view to her mother that 'Mrs McIntosh is killing the child.'[512] In doing so, Christina Whyte's heavy emphasis on her visits to her daughter served as a testimony to the fact that she had not merely abandoned her child to a paid-childcare but, that she remained a significant presence in her life and retained oversight of her. Ada Welling also affirmed that she had intended to exercise her maternal role, telling Douglas that she would 'see it as often as I could.'[513] Christina Whyte went further and took back her child from McIntosh and began to look after the child herself. From reading Whyte's account in isolation it would appear that she had responded with utmost haste to seeing the child decline in Barbara McIntosh's hands. However, Whyte's sister's account of the event revealed that the child had

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[510] Evidence of Esther Amelia Hodson, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

[511] Evidence of Christina Whyte, 31 January, 1881, Crown Office Precognitions, 1881, NRS, AD14/81/82.

[512] Evidence of Mary Rodger or Whyte, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[513] Evidence of Ada Welling, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

spent a further four weeks at McIntosh's care, before it was removed to Christina Whyte's home in Potterow. Whyte's sister was rather more circumspect in her assessment of Barbara McIntosh's childcare. Whilst she was prepared to voice the opinion that the child was 'not properly attended to by Mrs McIntosh' she stopped somewhat short of accusing her of causing its death in the way her sister had.[514] The attempt by Christina Whyte to draw an absolute distinction between the wilful neglect of Barbara McIntosh and her own anxious solicitude towards the child was undermined by the testimony of the doctor who had attended the child in its final illness. Dr George McKay recalled 'I did not think it particularly emaciated … I remember of the mother's complaining of neglect, but that is a common enough thing for mothers who have their child out nursing.'[515] McKay opined that, in the majority of cases, this was not reflective of any actual neglect on the part of paid-childcare providers, but of a lingering resentment that a large portion of the mother's income was handed over to such women. McKay also emphasised that it was unrealistic to expect children fed by bottle 'to appear stout and thrive as well as the ones fed by their mother.'[516]

However, Christina Whyte's outright accusation of wrongdoing was the exception rather than rule. A number of women made more veiled reference to the fact that the childcarer they had engaged was not all that she seemed.

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[514] Evidence of Mary Ewing or Whyte, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[515] Evidence of George McKay, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[516] *ibid.*

Annie Goodfellow expressed her consternation that 'Mrs McIntosh was in much poorer circumstances than she expressed herself to be in... [her] house in Pennicuik was a poor place.'[517] McIntosh was not alone in massaging her background to make it fit more closely with the middle-class ideal. Reeves had represented herself variously as the wife of an architect or an officer in the Royal Navy.[518] These embellishments did not in themselves actually point directly to wrongdoing, but the projection of a comfortable middle class existence was valuable in supporting an assertion that the naive and trusting birth-mother had been misled by an often older and more worldly wise woman. The degree to which these constructions reflected the reality is a moot point. Homrighaus has stated that in such cases mothers 'had the best of both worlds. They made use of criminal baby farmers' services and then, when the baby farmers faced imprisonment, claimed that they had been hoodwinked.'[519] This judgement would appear to be a trifle prescriptive given the variety of relationships between child, mother and carer that has been described in this chapter.

Nevertheless it is clear that, despite the testimony of Dr McKay, mothers were not subject to sustained critical scrutiny within the courtroom and their claims of having exercised diligence and appropriate maternal care largely went unchallenged in court. Nor is there any evidence of newspapers

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[517] Evidence of Annie Goodfellow, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[518] Evidence of James Spencer Atkinson, 9 March 1891, Central Criminal Court Session Papers, 1891, Fifth Session, NA, PCOM 1/139 ; Evidence of Patrick Simpson, 9 March 1891, Central Criminal Court Session Papers, 1891, Fifth Session, NA, PCOM 1/139.

[519] Ruth Homrighaus, 'Baby farming' p.179.

subjecting the accounts of mothers in these trials to any real critical scrutiny, presenting straightforward descriptive accounts of what had been said.[520] It would appear that by either knowingly or unknowingly, drawing upon melodramatic archetypes they were able to construct an identity that reflected gendered and classed ideas about the vulnerability of young working class women. Despite being in an economically and socially marginal position they were in a position of relative strength in the context of the courtroom saga. Their accounts, if told with the correct emphasis, could easily be fashioned to fit an established and appealing archetype.

It is striking to note that the only father to appear as a witness was the only parent who was subject to critical examination as to his motivations and judgement. George White appeared at the Coroner's Court after he and his wife had placed their daughter with Jessie Byers.[521] White was unemployed at the time his daughter was handed to Byers and he attempted to justify his decision in terms of economic necessity, 'I was out of work and could not keep the child and Mrs Byers seemed like an opportunity for the child to have a good home.'[522] White had to go to some lengths to explain what checks he'd performed in order to ensure Byers's suitability.[523] Whereas the mothers who had offered evidence were able to construct a testimony that allowed them to show they had displayed gender appropriate behaviour,

[520] For example see, 'The Edmonton baby case' *Reynolds Newspaper* 24 September 1899 p. 5 ; 'At the Police Court' *Lloyd's Weekly Newspaper* 23 September 1899, p. 10

[521] Evidence of George White, Inquest on the body of Mary Balcombe, 19 December 1906, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL.1906/12.

[522] *ibid.*

[523] *ibid.*

White's unemployment stood as testament as his failure to fulfil his own gendered role as provider for his wife and child. Ginger Frost has asserted that the notion of husbands being seen to have adequately performed the role of provider was very powerful in the context of neglect and abuse trials. Providing was so crucial to 'respectable masculinity and fatherhood that the mother could not be blamed if the father had failed in this respect' and it is possible to suggest a similar process is at work in relation to George White. [524] White was in the same position as many of the mothers who had been received relatively sympathetically by the court; he claimed he was unable to bear the economic cost of parenthood.

Husbands of paid-childcare providers

The same discourse that placed a high value on a father's role as a bread winner was also evident in the representation of husbands, although it played out in a very different manner. Whilst it is clear that wage-earning was an important part of late-nineteenth and early twentieth-century fatherhood, it also constituted its limit. Daniel Grey has argued that to adequately fulfil the duties of a father, all that was required was, 'remaining in employment and providing his wife with sufficient money for housekeeping and rent money … childcare was not believed to be part of his duties.'[525] Therefore just as childcare was gendered, so was child neglect or

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[524] Ginger Frost, 'Motherhood on trial: violence and unwed mothers in Victorian England, ' in Ellen Bayuk Rosenman & Claudia C. Klaver (eds.) *Other mothers: beyond the maternal ideal* (Ohio:2008), p. 151.

[525] Daniel Grey, 'Liable to very gross abuse' murder, moral panic and cultural fears over Infant Life Insurance 1875 – 1914 *Journal of Victorian Culture* 18,1 (2013) p. 67. Working-class fathers and fatherhood is an emerging, if still underexplored area of scholarship.

abuse. Lynn Abrams has asserted that discourses around child neglect in the late nineteenth and early twentieth centuries suggested that neglect was something primarily perpetuated by women.[526] This is also linked to the idea that taking in children in exchange for money was a female occupation, used to supplement household income. It is striking that the only male to be convicted of an offence related to paid-childcare provision was Joseph Roodhouse, who, along with his wife, was charged with obtaining money under false pretences.[527] It should be remembered that the Roodhouse case did not revolve around establishing who was, or should be, responsible for ensuring infants were properly cared for, and thus sidestepped questions over who was culpable if a child looked after for money should die in a couple's home. The fact that the crime was a financial one meant that he could be held fully responsible for the offence. When it was offered in mitigation that Roodhouse had been out of work, it was described by the trial judge as 'an illogical act of exculpation.'[528]

For the remaining husbands who featured in these trials, this combination of factors meant that men could effectively claim that they had no connection to an economic endeavour conducted in their household. At the

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Important works include Julie-Marie Strange, *Fatherhood and the British working class 1896-1914,* (Cambridge: 2015) ; Helen Rogers & Trev Lynn Broughton, (eds.) *Gender and fatherhood in the nineteenth century (Basingstoke: 2007) ; Lynn Abrams, 'There was nobody like my daddy: fathers, the family and the marginalisation of men in modern Scotland' Scottish Historical Review 78:2 (1999) pp 219-242.*

[526] Lynn Abrams, *The orphan country*, p.222

[527] Indictment against Joseph Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1069/66

[528] 'The new method of baby farming', The *Aberdeen Weekly Journal* ,19 May 1891, p. 8

very moment of her arrest, Jessie Byers attempted to protect her husband from any possibility of prosecution. When the arresting officer demanded to know Byers' husband's whereabouts she responded instantly that, 'he is out and has nothing to do with it; I am entirely responsible for the business here.'[529] It would appear that this statement was taken at face value and no real attempt was made to investigate the possibility that Jessie Byers' husband was connected to the activities for which his wife was arrested. In the court papers generated by the Barbara McIntosh trial, McIntosh's husband, Thomas, made a similar claim to be utterly unconnected with his wife's economic activity. Thomas McIntosh stated that, ' it was my wife who bought these children and she who looked after them. I do not interfere with my wife, but let her take her own way.'[530] However, Mary Spears, another paid-childcare provider who gave evidence at Barbara McIntosh's trial, stated that Thomas McIntosh provided her with weekly payments for a child she had taken from Barbara McIntosh.[531] Thomas McIntosh had also registered the death of the child, John Salmon. On the child's death certificate, McIntosh described himself as the child's foster father.[532]

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[529]Evidence of Sgt. Hawkins, 28 January 1907, Central Court Session Papers, 1907, Fourth Session, AL, D/H P.38. Anette Ballinger *Dead woman walking* pp. 73-77 explored male culpability in homicide trials and noted that in her evidence, Ada Chard Williams went to great lengths to exonerate her husband William, despite the existence of compelling evidence that he was equally guilty.

[530] Evidence of Thomas McIntosh, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[531] Evidence of Mary Kerr or Spears, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[532] Extract of an entry in the register of deaths, John Salmon, 16 January 1881, High Court of Judiciary processes 1881, NRS, JC26/1881/266/4/02.

Thomas McIntosh's escape from legal censure came at a social cost. Admitting that he 'let his wife take her own way' was tantamount to admitting that he had been unable to exercise domestic authority in the household in which he was the head. Charles May, the husband of Alice Reeves, also sought to present himself as a diminished figure, largely marginal in the household.[533] An NSPCC officer, who had removed the children found there, expressed the view that May was equally as culpable as his wife as he had known that the children had been in his household but had done nothing to protect them.[534] May's response was that he had been powerless to do anything about the presence of the children and claimed that he was 'only a lodger in the house and only had one room … he was alone and the only comforts he had were the little birds hanging in cages on the wall.'[535] Ultimately the charges of neglect against both Charles May were not proceeded with in favour of a single charge of manslaughter against Alice Reeves, so the limits of May's authority and his perceived responsibilities were not fully explored.[536]

The Wider Community

[533]The renown crime journalist Hargrave Adam devoted considerable attention to the topic of the husbands of female criminals. Hargrave L Adam *Women and crime* (London: 1911) p.11-13 rebuked such men as weak-willed and foolish for failing to assert their authority over their wives.

[534] 'The South London baby farming case', *Lloyds Weekly Newspaper,* 22 February 1891, p. 9.

[535] 'Police Intelligence' ,*Standard,* 16 February 1891 p. 2.

[536] Incitement against Charles Stanley May, 9 March 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1067/31 ; 'The London baby farming case' *Birmingham Daily Post,* 14 March 1891, p.8.

Along with the spouses of the accused, members of the wider community also gave evidence at trials featuring Barbara McIntosh, Mary Packer and Amy Douglas. As has been considered in Chapter One, attempts to explore the relationship between paid-childcare providers and the communities in which they lived and worked have enjoyed mixed success with both Ross and Homrighaus's accounts reliant on partial or problematic sources. In keeping with the rest of the chapter, no claims are made about the actual nature of community relations, but instead how witnesses attempted to represent these associations within the courtroom and to what ends.

In is noteworthy that in none of the above cases did neighbours make outright accusations of wrongdoing or criminality. In particular in the case of Amy Douglas, her neighbours testified that when they had seen the children they were well looked after by Douglas. Rachel Berry gave evidence that when she had first met the accused, she had told her that the children were the offspring of a relative. The subsequent revelation that the children were not related to Douglas and were looked after for money did not seemingly alter her opinion that 'they always looked clean' and could be seen 'playing out in the garden.'[537] Berry also told the court that when the children fell seriously ill, Douglas had displayed signs of genuine distress and concern for the children and had asked Berry's husband to fetch a doctor to the children. Another neighbour, Elizabeth Sand gave evidence

[537] Evidence of Rachel Berry, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

that 'the children when I saw them always seemed well cared for.'[538] However in the context of the court case, Sand and Berry's evidence was something of a double-edged sword. Whilst their evidence articulated a view that Douglas had performed the duties associated with prevailing ideas of motherhood – keeping the children clean, showing concern and oversight of them - to a competent level, the revelation that she had also misled them about the origins of the children created the impression that Douglas was duplicitous and unreliable. In the Douglas case, the testimony that Douglas's house and the children in her care were cleanly kept was balanced against the account of the arresting police officer, Sgt William Reid. Upon arriving at Douglas's house Reid reported that there was 'an offensive smell' caused by a pile of soiled nappies and noted that the room was 'swarming with flies.' [539] Reid's vivid account of the sights and smells that greeted him when he visited Douglas's home for the only time took no account of the fact that the house contained children dying with infantile diarrhoea. In such conditions it is perhaps inevitable that physical conditions within the house would be sub-optimal. Not only did this description speak of a physical failing on Douglas's part, but of a moral one. As Seth Koven has observed, depictions of dirt in disorder in working-class homes served to imply both 'literal and figurative impurity.'[540] The conditions described by Sgt Reid

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[538] Evidence of Elizabeth Sand,12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

[539] Evidence of William Reid, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

[540] Seth Koven *Slumming: sexual and social politics in Victorian London* (Oxford: 2006), p. 184.

along with the manner in which Douglas had attempted to obscure the origins of the children in her care, served to undercut the positive testimony offered by Sand and Berry.

By contrast, neither Packer nor McIntosh attempted to disguise how they made their living from their neighbours. In the case of Packer it would not appear that at the inquest held on the body of William Sutter, positive testimony was offered by Packer's neighbours on the way that she had looked after the children in her care. Despite being fully aware that McIntosh was being paid to look after such children, her former neighbour Alice Harrow claimed that she 'found her kind to the children and always kept them clean and as soon and as they were ill they were taken to a doctor.'[541] It is striking that in both of these cases neighbours were extremely reluctant to apply the archetype of the murderous 'baby-farmer' to a woman they had lived in close proximity to, despite significant numbers of infants dying in their neighbours' care. A possible reading of this evidence is one that tallies with Ellen Ross's argument in *Love and toil* that the working-class women who offered evidence in court were articulating an alternative vision of motherhood, based on a 'complex of jobs and emotions' rather than a biological tie.[542] However it should be remembered that similar accounts of the children appearing well cared for were also offered by some middle-class witnesses. Most notably, in the case of Barbara

[541] Evidence of Alice Harrow, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

[542] Ellen Ross, *Love & Toil*, p. 25

McIntosh. McIntosh who was able to rely on the evidence of local church minister's wife, who asserted that 'I found things in the house perfectly clean and tidy. I saw an infant she was nursing several times; it was often in her arms. It was cleanly kept.'[543]

Indeed, compared to Packer and Douglas, the narratives constructed by community witnesses in the trial of Barbara McIntosh were rather more complex. Whilst McIntosh was able to draw on the testimony of significant community figures in Portobello, the accounts given by others were decidedly mixed. In particular, Mary Ann McKay, a former neighbour of McIntosh's, claimed to have seen the infant John Salmon and that 'he looked dirty and was never lifted the entire time I was there.'[544] Having stated that the infant Salmon was dirty, she went to great lengths to explain that she did not consider the child to 'be in a dying condition when I saw it.'[545] Likewise, another neighbour, Janet Bruce, explained that she felt that John Salmon was not being properly looked after by McIntosh, but justified her decision not to intervene on behalf of the child as she did not think the child was being wilfully neglected and she was anxious to avoid a confrontation with McIntosh as McIntosh was 'a woman given to quarrelling with her neighbours.'[546] Indeed, a rather more prosaic reading of these

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[543] Evidence of Susan Sheppard or Ireland, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[544] Evidence of Mary Ann Deehan or McKay, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

[545] *ibid.*

[546] Janet Leadbetter or Bruce, 31 January, 1881 Crown Office Precognitions, 1881, NRS, AD14/81/82.

accounts would suggest that all these narratives were constructed in a way to absolve the teller from moral guilt or public reproach, either by denying that they had seen any neglectful behaviour or by explaining why they had not sought to contact the authorities when they witnessed childcare practices that they found troubling.

Paid-Childcarers

Previous actors in the drama that unfolded in the courtroom were able to the draw upon stable narratives, which, whilst not always flattering, allowed them to escape moral and legal censure. The husbands of the women on trial had universally portrayed themselves as passive and marginalised within the household and utterly unconnected to the children being looked after there. By contrast, the paid-childcare providers who appeared before the court represented their activities in a variety of ways. It scarcely needs to be stated that the accused had the most to gain from being able to present a convincing narrative to the court. With medical evidence ambiguous, a good story, well told, offered the possibility of sympathetic hearing form the judge and jury. However there remained a formidable obstacle for these women to overcome, as Chapters Two and Three have demonstrated, campaigners and journalists had used the term 'baby-farmer' indiscriminately and a degree of suspicion was likely to fall upon any woman who had carried out any form of childcare for money.

These suspicions, that paid-child-care providers were engaged in nefarious activity, would not be helped by the manner in which their services had

been advertised in a semi-clandestine way. Closely allied to that, is the notion that the reality of the paid-childcarer's life did not match the manner in which they had advertised themselves or their motivations for taking a child. The most blatant attempt at misrepresentation came from the Roodhouses, who had described themselves as a childless, middle-class couple from an industrial town in the English Midlands or the North of England, desperate to adopt a child for love, yet had disposed of the child shortly after acquiring it.[547] Whilst none of the other paid-childcare providers, misrepresented their practise to the same degree as Annie and Joseph Roodhouse, there was a tendency amongst other paid-childcare providers to represent their activities and status to would-be clients. Reeves had described herself to Ellen Simmons as being keen to take a child for companionship whilst her husband was at sea with the Navy.[548] She neglected to mention that she had already taken in five children in exchange for money.

In an attempt to contest the negative connotations around paid-childcare, Barbara McIntosh made no pretence of the fact that she had taken in children out of a sense of maternal feeling. McIntosh did not seek to fudge the issue of whether she derived her income from receiving other people's children, but presented herself as a competent and professional practitioner.

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[547] Indictment against Joseph Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1069/66 ; Indictment against Annie Roodhouse, 4 May 1891, Central Criminal Court Indictments, 1891, Felonies and Misdemeanours, NA, CRIM 4/1069/67.

[548] Evidence of Ellen Simmons, 9 March 1891, Central Criminal Court Session Papers, 1891, Fifth Session, NA, PCOM 1/139.

McIntosh asserted that as so many infants had passed through her hands that a number of them were likely to 'weaken in a way those infants at the bottle do.'[549] McIntosh also told the court that she 'had the finest doctors to them' and mentioned she had successfully raised a number of children, 'one of them is still with us now and is a fine, healthy boy.' [550] At the trial, McIntosh's counsel invoked and inverted the dominant maternal paradigm in her defence. He argued that whilst there were 'no more carefully bought up children of that class,' even a competent childcarer such as McIntosh could not be reasonably expected to 'have the same anxious solicitude over the children' as their own mothers.[551] It suggests that a lower threshold of care was applied to infants who had 'been deprived of a mother's care and mother's nourishment, confined to the care of a perfect stranger.'[552] It is impossible to know why McIntosh adopted such a strategy as it is unlikely that a denial of her 'natural' maternal feelings would be well received in the context of the courtroom, especially when they contrasted so sharply with the sentimental letters she had written to the mothers of the dead children. In a letter addressed to the mother of Willie Goodfellow, McIntosh stated that 'though I wished God to spare him to me, my wish was not granted. He is safe in the arms of Jesus one more little one to welcome us.'[553] The

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[549] First declaration of Barbara Gray or McIntosh, 14 October 1880, High Court of Judiciary processes 1881, NRS, JC26/1881/266/2

[550] First declaration of Barbara Gray or McIntosh, 14 October 1880, High Court of Judiciary processes 1881, NRS, JC26/1881/266/2

[551] [no title], *The Scotsman,* 22nd February 1881, p. 4.

[552] *ibid.*

[553] Letter, Barbara McIntosh to Annie Goodfellow, [No date], Crown Office Precognitions, 1881, NRS, AD14/81/82./26.

contrast between her representation in court as a competent, but unemotional business woman and her letter portraying herself as a distraught foster-mother is jarring and appeared to do little for McIntosh's case. Indeed in sentencing her, the trial judge opined that the defence that the children were not her own 'looked rather like an aggravation rather than an extenuation.'[554] A possible explanation for the approach adopted by McIntosh's counsel was that once the scale of her operations became apparent, it would not have been credible to represent her activities as an extension of her maternal role.

Amy Douglas's attempt to avoid conviction on a charge of manslaughter was in some ways the opposite of the approach of Barbara McIntosh. Whereas McIntosh based her claim on her professional competence, Douglas attempted to argue that it was her very lack of experience that had caused the children to die, rather than malice. Douglas was considerably younger than McIntosh and had no children of her own. Douglas told the court that 'She had no idea they [the children] were so ill or she would have called in a doctor and that she was inexperienced, never having had anything to do with children.'[555] Such an attempt might have been more plausible for Douglas, as a young widow lacking any other means of support; it was possible that she may have gained sympathy from the jury. [556] Like McIntosh, it would appear that Douglas could rely on her neighbours to

[554] 'High Courts of the Judiciary' ,*Scotsman,* 22 February 1881, p. 2.

[555] Evidence of Amy Louisa McNeill Douglas, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

[556] 'Before Justice Phillimore', *The Times,* 18 September 1899, p. 9.

attest that the children in her care had been well looked after. In addition, Douglas had willingly registered under the terms of the 1897 *Infant Life Protection Act* and had received visits from Inspectors.[557] In some ways, the portrayal of Douglas as a naive and helpless young woman appears to have rather more in common with the testimony of women who had handed over their children to paid-childcarers. However this approach was not successful and Douglas was sentenced to five years imprisonment.

In this context, there were a number of parallels to be drawn with the Mary Packer case. Packer was the only woman of those surveyed who escaped criminal censure. Infant death was not unknown in Packer's house. In the previous eight years, a total of eleven children had died under Packer's care and she had already served a short prison sentence for failing to register under the terms of the 1897 Infant Life Protection Act.[558] However, Packer was alone in being able to produce a convincing counter-narrative in which she was able to challenge the notion that avaricious paid-childcare providers sought to enrich themselves at the expense of infant life. In fact, Packer was able to present a case that she had acted in an altruistic manner towards children in her care. She was able to point to two children that she had taken in exchange for a weekly fee, but whose mothers had abandoned them

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[557] Evidence of Samuel Wilkes, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150.

[558] Telegram, Metropolitan Police to Sgt George Langdon, 11 March 1899, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

without payment.[559] Packer placed heavy emphasis on the fact that she considered it her maternal duty to keep the children, despite the fact that it placed heavy strain on the household budget, 'I kept them because I was fond of them. I did not want to send them away then.'[560] As if to emphasise her respectability, self sacrifice and devotion to others, Packer appeared in court wearing 'the auxiliary dress of the Salvation Army and with a Salvation Army brooch on.'[561] In the course of the evidence, it became apparent that Packer and her family were living on extremely limited means and she was attempting to support 12 people on what she could earn taking in children. Such actions could not be fully accommodated in the context of a framework that cast paid-childcare providers as avaricious monsters and the coroner's jury apportioned blame, not at the door of Mary Packer, but at the Poor Law authorities who they deemed to have 'granted Mrs Packer a license to take children without making proper enquiry as to her means.'[562] Despite having had more children die in her care than any other woman documented in this chapter, the jury's comments cast her as a woman who needed saving from her own misdirected maternal affections.

Stories in the press

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[559] Evidence of Mary Packer, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

[560] *ibid.*

[561] 'Salvationist's Baby Farm' *Reynolds Newspaper,* 3 September 1899, p. 4.

[562] Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004.

The performance within the space of the court was not only experienced by those who were physically present, but also by a wider audience. The events that took place during these trials offered raw material for journalists to re-shape into accounts that were subsequently published in the press. Whilst the trials analysed above generated a fraction of the coverage devoted to cases where a charge of murder had been brought against a paid-childcarer, accounts of all of the cases featured in the press. Lynda Nead has claimed that the press had a keen eye for 'promising legal cases' that could be transformed into sensational newspaper articles.[563] These cases, Nead argued, were appealing to journalists as they offered a wealth of 'raw material for character and plot; the villains, the crimes and the punishments which newspapers spun into stories.'[564] Unlike the courtroom drams documented above, these press narratives were not limited to a single encounter in the courtroom, but played out across space and time. The cycle of investigation, arrest, trial and conviction; lent press narratives an episodic quality.[565] Indeed, Judith Rowbotham *et al* have noted that in criminal trials this drawn out procedure allowed the press to start the process of characterising the defendant before the trial had begun.

This tendency was particularly apparent in press coverage of Jessie Byers. Byers was tried at the Central Criminal Court in late January 1907, but

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[563] Lynda Nead, 'Visual cultures of the courtroom' *Visual culture in Britain,* 3:2, (2002), p. 121

[564] *ibid.*

[565] Judith Rowbotham *et al.*, *Crime news in modern Britain: press reporting and responsibility, 1820- 2010,* (Basingstoke: 2013) p.71

attracted significant newspaper scrutiny from November 1906 onwards. It is perhaps unsurprising that this case attracted considerable press attention and, in particular, the allegation that Byers had disposed of the corpses of some of the infants who had died in her care by cremating them in her kitchen stove was seized upon by the press. This aspect of the Byers trial, rather than the fact that significant numbers of children had died in her care, came to dominate coverage of the case. As has already been discussed, Byers had not attempted to burn Balcombe's corpse and evidence in relation to the illegal cremations was not heard at the inquest. However, as the inquest got under way, the *Daily Mail*'s account largely ignored the evidence presented as to how and why Mary Balcombe had died, and devoted the lion's share of their account to how Byers had disposed of the bodies of other children.[566] This was also evident in the *Daily Mirror*'s coverage. In a lengthy piece, ostensibly about the verdict in the Balcombe inquest, the article is largely given over to the allegations of illegal cremation and only briefly mentioned the verdict of the coroner's jury in the concluding paragraph.[567] It is striking that running parallel with the drama that was being played out in court; an alternative narrative was being constructed in the press, that had, at best, a tangential relationship to the events that had occurred in the court.

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[566] 'Cremated babies' *Daily Mail*, 12 December 1906, p. 4.

[567] 'More revelations in the sensational Edmonton case', *Daily Mirror,* 20 December 1906, p. 4.

As Byers' criminal trial got under way in January 1907, the press focused almost exclusively on the burning of the dead infant's bodies, with the Daily Mirror describing the case as the 'Cremation crime.'[568] This had the effect of effectively relegating how these infants met their ends and other troubling aspects of Byers' behaviour to mere footnotes. Despite promising so much, the press would be robbed of a suitable dénouement to the lurid tale they had patiently constructed. Having spent the best part of three months describing the 'scandalous and revolting' case, the key plank in this narrative collapsed when the charge of cremating the infant bodies were withdrawn and Byers was sentenced to 12 months imprisonment for two counts of the lesser offences of Attempting to Obstruct a Coroner's Inquest and a single count of Obtaining Money under False Pretences.[569] In the light of this unsatisfactory conclusion to the trial, interest in the case dissipated almost instantly and press coverage of the Byers case has an unresolved quality. In particular, The *Daily Mail* who had done as much as any paper to construct a narrative around Byers crimes in the run up the trial, only devoted a few lines to her conviction.[570] Similarly, the *Manchester Guardian*, *The Times* and the *Scotsman* merely acknowledged Byers conviction.[571] By contrast, the *Daily Mirror* told its readers that Byers had

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[568] 'Baby cremation charge' *Daily Mirror* 1 February 1907, p. 4.

[569] Indictment against Jessie Byers, 28 January 1907, Central Criminal Court Indictments 1907, Felonies and Misdemeanours, NA, CRIM 4/1262/44.

[570] 'The cremated babies' *Daily Mail* 2 February 1907, p. 3.

[571] 'Burner of dead babies' *Manchester Guardian* 2 February 1907, p. 6 ; 'Central Criminal Court' *The Times* 2 February 1907, p.11 ; 'The baby farming case' 2 February 1907, *Scotsman,* p. 3.

been 'found guilty by an Old Bailey jury yesterday of burning two bodies of infants.'[572] Whether this misinformation appeared by accident or design is unclear, but it nevertheless highlights how newspaper account were ill-equipped to reflect the complex processes and representations that had taken place in court.

The apparent inability or unwillingness of press narratives to cope with contradictory and multifaceted representations of paid-childcare on trial was also evident in the cases of Mary Packer and Amy Douglas. As has been shown above, the evidence presented in these cases was inconclusive and both women could muster witnesses who attested to their competence as paid-childcare providers. However, those who experienced these trials through the press would be utterly oblivious to the negotiation of identity that had occurred in the courtroom. In an account of the William Sutter inquest, *Reynolds' Newspaper* vastly overestimated the number of children who had died in Mary Packer's care, stating that 18 children had died in her home.[573] Similarly, an account of medical evidence at Amy Douglas's trial appeared in the *Illustrated Police News* and claimed that Dr Francis Beresford had stated that the infant Willie McDonald had died 'as the result of starvation.'[574] The account given in the Sessions Papers record that

[572] 'Cremation crime sentence' ,*Daily Mirror* 2 February 1907, p. 4.

[573] 'Edmonton baby scandal,' *Reynolds Newspaper* ,24 September 1899, p.5.

[574] 'Charge of manslaughter against a baby-farmer,' *Illustrated Police News*, 26 August 1899, p. 4.

Beresford gave the cause of death as 'improper or insufficient feeding.'[575] The difference between these two accounts is subtle, yet important. The former implies malevolent intent, whereas the latter opens up the possibility that death may have occurred as a result of ignorance, rather than deliberate wrongdoing. However, such overt misreading of the evidence was the exception, rather than the rule. Instead, newspapers simply omitted court evidence that did not fit with the narrative trope of the greedy and criminal 'baby-farmer'. As a result, potentially disruptive evidence, such as the conditions of dire poverty in which both Douglas and Packer were living, the accounts from neighbours that the children appeared well cared for or the manner in which Packer had retained children long after their mothers had stopped paying for them, were not so much marginalised, but altogether excluded for press narratives. The cumulative effect of these accounts, was not to explore the plurality of meaning that the court case had generated, but to restrict it and reinforce the archetype of the 'baby-farmer.'

Conclusion

In a very real sense, the courtroom provided a space in which the meanings around paid-childcare and the women who practised it were examined, and, to a certain extent, re-defined. At no point did a single, stable representation of paid-childcare emerge within these trials. In particular, the lack of authoritative medical testimony allowed often socially and economically marginal participants a space to create their own narratives around paid-

[575] Evidence of Francis Beresford, 12 September 1899, Central Court Session Papers,1899, Eleventh Session, NA, PCOM 1/150

childcare. This dynamic process of making meaning in trials was seemingly confined to the space of the courtroom itself. Those who experienced these trials vicariously through newspaper account would have been oblivious to how complex notions around the provision of childcare had been explored. This was largely because press accounts tended to flatten out the ambiguities and contradictions that were exposed by the trial. In imposing a single coherent, but ultimately reductive narrative on the trial, they reproduced pre-existing ideas around women who took in children for money. However, it was not only in the courtroom that more nuanced ideas around paid-childcare and its practitioners were being explored. Chapter Five will consider how female welfare workers attempted the same process in a different context.

5.

Infant Life Protection Officers and the road to the 1908 *Children Act*

Introduction

The *Sun*'s 'Massacre of the Innocents' investigation of 1895 put a public face to the problematic paid-childcare provider. However, as Chapter Three documented, this came at a cost: the exposure of Ady and Graham had ended with the newspaper defending a potentially costly libel case. It was clear that such an approach was inherently risky and after the *Sun*'s expose, no further 'detective investigations' were attempted. This was not the end of middle-class supervision of paid-childcare. As the nineteenth century drew to a close, the model for engaging with paid-childcare shifted towards intervention via charitable or statutory bodies. Attention will fall on the development of the position of the Infant Life Protection Officer and their employment by Poor Law Unions to enforce the terms of the 1897 Infant Life Protection Act. The most obvious difference between these two groups was their gender makeup. Unlike the 'baby-farming' detectives who were overwhelmingly male, a significant number, of these new officials were female. This did not happen in isolation; it reflected a wider trend in which middle-class women were increasingly finding their way into jobs that required contact with the urban poor. Ellen Ross has estimated that by 1890, approximately 20,000 women were employed in paid work of this type.[576] This process, characterised by Kathryn Gleadle as the 'professionalization of philanthropy' was particularly apparent in local

[576] Ellen Ross, *Slum travellers: ladies and London Poverty 1860 -1920,* (Berkley: 2007), p. 1.

government. [577] Steven King has also analysed the increase of female employment and has noted that that female workers seemed to coalesce around areas such as '[health] visiting, social work and campaigns on housing' that were seen to offer an extension of the activities a middle-class woman might perform within their home.[578] Indeed, King has asserted that this essentialist rhetoric was often used by those who were generally hostile to women's employment in local government.[579] This view was endorsed by Ruth Livesey who claimed the value of employing such women was often expressed in terms of them having innate qualities of 'tact and delicate sympathy' that 'men were thought incapable of acquiring.'[580]

Therefore, the primary focus of this chapter is the creation of the role of the Infant Life Protection Officer and to what degree this was understood as a

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[577] Kathryn Gleadle, *British women in the nineteenth century* (London:2001), p. 67. Gleadle uses the term to refer not only to refer to women establishing paid positions but also an increasingly systematic and rigorous approach, regardless of whether women were paid for their work. An exploration of the complex and multi-faceted reasons behind the opening up of employment opportunities lies outwith this thesis. A useful summary of possible economic, social and demographic causes can be found in Seth Koven, *Slumming,* pp. 183-190.

[578] Steven King, *Women, welfare and local politics 1880 - 1920* (Brighton: 2006), p. 23. The literature on 'maternalism' - women's engagement in issues in the public sphere closely linked to tranditionally female qualities of care-giving and oversight of children is extensive. Notable works that address women's influence over child welfare bodies include, Seth Koven, 'Borderlands: women voluntary action and child welfare in Britain 1840 to 1914', in Seth Koven & Sonya Michel (eds.), *Mothers of a new world: maternalist politics and origins of welfare states,* (London: 1993), pp 94-136 ; Sonya Michel & Seth Koven, 'Womanly duties: maternalist policies and the origins of welfare states 1880-1920', *American Historical Review,* 95, (1990), pp. 1076-1108 ; Jane Lewis, *Women in England 1870-1950: sexual division and social change,* (Brighton: 1986).

[579] Steven King, *Women, welfare and local politics,* p. 225.

[580] Ruth Livesey, 'Reading for Character: women social reformers and narratives of the urban poor in late Victorian and Edwardian London', *Journal of Victorian Culture,* 9:1 (2004), p. 50.

gendered role.[581] The growth of this largely female, overwhelmingly middle-class workforce transformed the conversations around the topic of paid-childcare. The chapter will also explore how female Infant Life Protection Officers managed an unprecedented level of contact with paid-childcare providers. Despite the comparatively junior status these women held in the organisations in which they worked, they succeeded in creating new discourses around paid-childcare. In doing so, they managed to undermine the archetype of the murderous 'baby-farmer' propounded by the investigators in Chapter Three. The exposure of paid-childcare to sustained scrutiny allowed these Inspectors to craft alternative narratives through their case files and fundamentally altered the types of conversation conducted over the topic. Particular attention will be paid to the records assembled by Frances Zanetti, an Infant Life Protection Officer working in the Manchester area. Zanetti's determined advocacy played a crucial role in the decision to extend inspection to households where only one child was taken in for money. Her activities are also recorded in public speeches, annual reports and newspaper articles and offer excellent scope for a case study.

Securing new legislation

Before exploring the impact of Infant Life Protection Officers in shaping narratives around paid-childcare, it is perhaps useful to consider the Act that made their appointment mandatory for all Poor Law Unions. As

[581] In some sources, Infant Life Protection Officers were also referred to as Infant Life Protection Inspectors. The titles appear to be used interchangeably and to refer to the same role.

Chapter Two, highlighted, Parliamentarians and campaigners had hoped that the 1872 *Infant Life Protection Act* would serve as an interim measure, before more rigorous legislation could be bought into force. Whilst the Infant Life Protection Society went into abeyance after 1872, Hart and the *BMJ* continued to run occasional articles calling for further law reform and by 1879 it was demanding 'most stringent amendments to the Act' to protect older children and those in single-child households, who were not covered by the 1872 legislation.[582] With the ILPS inactive, new institutions came forward keen to shape narratives around paid-childcare. As Chapter Three has demonstrated, Benjamin Waugh had used some of the NSPCC's considerable resources to advocate that his organisation should be given responsibility to oversee the regulation of paid-childcare and had already employed staff to deal specifically with this issue. [583] In addition to the NSPCC, the Metropolitan Board of Works (hereafter, MBW), the body tasked with implementing the Act in the capital, began to advocate in favour of law reform. As early as 1873 the MBW, had declared the 1872 Act 'useless... given that a very small proportion of those taking children for "hire" were covered by its terms.'[584] Rather than attempting to enforce an

[582] 'Baby farming', *BMJ,* 27 September 1879, p. 511.

[583] Whilst the SSPCC was actively involved in investigating cruelty to children, it was less engaged with the quest for political reform. This was expressed by Ninian Hill the Chairman of the SSPCC before the 1908 Select Committee. Hill confined his evidence to the Scottish experience of paid-childcare. He was rather more circumspect on his judgement on paid-childcare providers and contained none of the grandstanding and hyperbole of his counterpart at the NSPCC. See, Evidence of Ninian Hill, June 1896, Minutes of Evidence, HC Select Committee, Select Committee on the Protection of Infant Life, 1908, No. 147, Vol. IX, pp. 11-15.

[584] Evidence of Alfred Spencer, August 1896, Minutes of Evidence, Select Committee of the Infant Life Protection Bill, HL Select Committee, No. 342, Vol. VII., p. 6.

Act they considered flawed, the MBW lobbied the Liberal Home Secretary, Henry Bruce, for significant amendments to the Act. Bruce's terse reply reflected the concerns that had been raised by opponents of the 1872 Act and that he feared more rigorous legislation would pose a 'great risk, lest in order to prevent occasional crime ... the homes of the poor would be subject to no small intrusion.'[585]

Having failed to secure any support for additional legislation, the MBW changed tack and reluctantly decided to, as far as possible, rigorously enforce the law as it stood. To this end, the aptly named Samuel Babey, a former Metropolitan Police officer, was appointed by the MBW to administer the 1872 *Infant Life Protection Act*. Like the 'baby-farming detectives' earlier in the decade, Babey turned to the classified advertisements and attempted to trace women offering paid-childcare 'for the purposes of getting information' on the evasion of the Act.[586] Babey's endeavours confirmed what the MBW had long suspected; that the overwhelming majority of those who placed advertisements were beyond the reach of the law, as they had only one child under the age of 12 months in their care at any one time. In the course of the first 12 years in his post, Babey succeeded in tracing 2,728 women offering to take children in exchange for payment. Of these women, only 355 came under the terms of the 1872 Act and, of these eligible cases, 120 women had not registered.[587] However, in the cases where he discovered

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[585] *ibid.*

[586] Evidence of Samuel Babey, August 1890, Minutes of Evidence, Select Committee on the Infant Life Protection Bill, No 344, Vol. XI, p. 22.

[587] *ibid.*

a breach in the law, his capacity for action was limited. Although some of the 120 women were prosecuted in the Police Courts, Magistrates rarely made full use of the powers available to them. [588] The 1872 Act also precluded Babey from doing anything to ensure that the children were properly cared for and his authority only extended as far as ensuring that the requirement for registration was complied with.

Despite these perceived shortcomings and the lobbying of the NSPCC and the MBW, there appeared to be little appetite at government level for amending the law on infant life protection, until a series of high-profile trials in the late 1880s and 1890s forced the issue back up the political agenda. Daniel Grey noted that 1888 and 1889 saw a flurry of trials of paid-childcare providers accused of being responsible for the death of children in their care. Notable amongst these cases was the trial and execution of Jessie King in February 1889.[589] The King case threw the shortcomings of the 1872 Act into sharp relief. Two of the children who had died in her care were over the age of 12 months and she had been careful to only take in one child at a time. In reality, there was no need for King to be circumspect, the authorities in Edinburgh had not even made a token attempt to enforce the terms of the 1872 *Infant Life Protection Act*. The *Glasgow Evening News*

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[588] For examples of prosecutions mounted by the MBW see 'Police intelligence', *Standard,* 3 August 1878, p.6 ; 'Another case of baby farming', *Sheffield Independent,* 5 August 1873, p. 4 ; 'County Council', *Standard,* 15 November 1893, p. 2. Typically, magistrates would not exercise the full power granted to them by the 1872 Act and would only impose a fine of a few shillings.

[589] Daniel Grey 'Discourses of infanticide' pp. 300-301. In addition to the King case, Grey identified the manslaughter trials of Mary Hayes in Swindon and Jane Arnold in Wolverton during 1888 as being important in putting law reform back on the agenda.

bemoaned the lack of official intervention and asserted that 'the trade in other people's bairns... more common than has yet been proclaimed.'[590] Despite this, it would not be until 1897 that the law would be amended. A Bill had been introduced in February 1890 by the Conservative Home Secretary Henry Matthews.[591] The Bill, had it passed into law, would have removed the exemption enjoyed by single-child households, and would have extended the Act to cover all children under the age of 5.[592] Significantly, it would have also allowed local authorities to appoint Inspectors to ensure the law was properly enforced. It was proposed that these Inspectors had, 'the power to visit any house in which he believes an infant is being kept for hire or reward and may inspect the condition of any infants therein.'[593] However the Bill had been introduced late in the Parliamentary session and Matthews's Bill simply ran out of time.[594]

Gladstone's Liberal government which came into office in 1892 appeared disinclined to consider the topic of infant life protection anew and the issue remained dormant until the Conservatives, under Lord Salisbury, returned to power in 1895.[595] By February 1896 a new Infant Life Protection Bill,

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[590] 'The Stockbridge baby-farmer', *Glasgow Evening News,* 19 February 1889, p.5.

[591] Henry Matthews, 14 February 1890 ,HC deb., *Hansard,* Third series, Vol. 341, Col. 404.

[592] 'A Bill to amend the Infant Life Protection Act, 1872', HC Bill, 1890, No. 142, Vol. V, p 523,

cl.1.

[593] *ibid.* cl. 5.

[594] Withdrawn, 28 February 1890, HL deb., *Hansard*, Fourth series, Vol 37. Col..1364.

[595] For further information on the period between 1890-1896 and the Liberal government's attitude to infant life protection legislation, see Ruth Homrighaus, 'Baby farming,' pp.132-133.

nearly identical to the failed 1890 measure, emerged in the House of Lords. At its second reading in the upper house, it was referred to Select Committee on 9 March 1896.[596] The committee started hearing evidence on 24 March and had only been sitting a week when the body of a child was found floating in the Thames, near Reading. As the committee sat, further bodies of children were dragged from the river throughout the spring and by early May, the number of corpses numbered seven. [597] All of the corpses were found with a ligature tied around their necks and would be linked to Amelia Dyer, a 57 year old former nurse, who had already served a six-month prison sentence in 1879 for child cruelty.[598] The Dyer case caused a sensation in the press, yet its impact on the Select Committee and the Act that followed it is less clear. Despite Dyer being tried and executed by the time the committee finished hearing from witnesses the case did not crop up in the course of their evidence. In a sense, the Dyer case did not impinge directly on the committee's work. No further legislation was needed to bring Dyer into court as she was tried for murder, rather than breaching the 1872 Infant Life Protection Act.

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[596] 9 March 1896, HL deb., *Hansard* Fourth series, Vol. 38, Col.414-418.

[597] Newspaper coverage of these discoveries was extensive. Amongst the most substantial reports were, 'The Reading child murders', *Morning Post,* 20 April 1896, p.6 ; 'The Reading horror', *Illustrated Police News,* 25 April 1896, p.2 ; 'The Reading horrors', *Lloyd's Weekly Newspaper,* 3 May 1896, p.1 ; 'The child murders', *Liverpool Mercury,* 4 May 1896, p.5.

[598] This is not intended as an exhaustive account of Dyer's life and trial, being primarily concerned with the impact of the Dyer case on the 1896 Select Committee. For further information on this, see Ruth Homrighaus, 'Baby-farming', pp. 132-136 ; Daniel Grey, 'Discourses of infanticide' pp.332-339. A near contemporaneous account is given in Hargreave L Adam *Women and crime* (London: 1911), pp.182-185.

Nevertheless, it is possible that the Dyer case exercised an unarticulated influence on the witnesses called before the committee. There was certainly a willingness to suggest more invasive measures than had been apparent even four years earlier. With the exception of Benjamin Waugh of the NSPCC, who had proposed that his own organisation should police any new Act, opinion appeared to coalesce around appointing female Inspectors to oversee the Act.[599] Amongst these witnesses arguing in favour of female Inspectors was Thomas Barnardo. Banardo took it as granted that when overseeing infants that 'of course the Inspector should always be a woman.'[600] Whilst not precluding the appointment of male Inspectors, the committee suggested an amendment to the effect that the Act could be enforced by 'women nominated by the local authority and authorised by it in writing.'[601]

The manner in which female Inspectors was arrived at as a solution to the overseeing paid-childcare, seemingly reflected prevailing notions about the supposedly innate caring capacity of women. Yet it also presented a solution to the apparently intractable problem of how to balance the supervision of infants looked for money and preserving the sanctity of family life that had dominated the 1871 Select Committee. At the 1896 Select Committee,

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[599] For further information on Waugh's view on infant life protection legislation, see Chapter Three of this thesis. George Behlmer, *Friends of the family,* pp. 106-114 remains the most complete account of the campaigning efforts of the NSPCC over this topic.

[600] Evidence of Thomas John Banardo, August 1896, Minutes of Evidence, Select Committee of the Infant Life Protection Bill, HL Select Committee, No. 342, Vol. VII., p. 120.

[601] 'A Bill to amend the law for the better protection of infant life,' HL Bill, 1897, No. 273, Vol. IV, p. 47.

Edward de Montjoie Rudolf, founder of the Church of England Waifs and Strays Society, spoke with great vehemence against the possibility of a new Act overseen by the police and declared it 'something any respectable woman would resent' but declared that inspection by female volunteers would be the best way to persuade paid-childcare providers of 'convenience of inspection and registration.'[602] As Ellen Ross has claimed, middle class women, engaging in welfare work, possessed a curiously liminal status. Ellen Ross has claimed that women working with the poor had a degree of power due to their class and occupational status, but their gender meant 'they lacked full authority over others.'[603] A woman public official visiting the dwellings of the poor presented a less challenge to the powerful tradition of privacy in one's own home.

The 1897 *Infant Life Protection Act*

The revised Bill, that eventually became the 1897 *Infant Life Protection Act*, received its second reading in the House of Lords on 13 May 1897. At this stage, Lord Belper tabled two amendments which would radically re-shape and strengthen the Bill. Belper's first amendment proposed that district and borough councils be stripped of the responsibility they had held for enforcing the 1872 Act and responsibility for the new Act be given to the local Poor Law Unions. The rationale for such a move was relatively sound. Belper

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[602] Evidence of E. de Rudolf, August 1896, Minutes of Evidence, Select Committee of the Infant Life Protection Bill, HL Select Committee, No. 342, Vol. VII., p. 62. Rudolf also added the proviso that institutions such as his own should be exempted from any Act. This foreshadowed the debates that would come to dominate the 1908 Select Committee. This episode is discussed at greater length later in this chapter.

[603] Ellen Ross, *Slum travellers*, p.4.

asserted that whereas local councils had limited experience in dealing with the inspection of children, the Poor Law Unions had, in their relieving officers, 'a suitable person to make the necessary enquiries; and they would be more in touch with the sort of person used to inspecting houses.'[604] Whilst there may have been a practical value in this move, shifting responsibility to Poor Law Unions carried a powerful unspoken assumption about the economic condition of those offering paid-childcare. The one exception to this was in London, where the body that had succeeded the MBW, the London County Council (hereafter, LCC) had maintained the small team of Inspectors that the MBW had established. In recognition of the expertise that had built up, it was proposed that they remain the body responsible for overseeing the regulation of paid-childcare in the capital. [605]

The second amendment also addressed one of the most persistent criticisms of the 1872 Act: that it contained no formal mechanism for inspection. Whilst the Bill, as it stood, only allowed, rather than required the appointment of an Inspector, Belper's amendment mandated regular investigations to locate paid-childcare providers and, should any be found within the Poor Law district, 'proper steps should be taken to appoint an Inspector.'[606] The Inspector was also to be granted powers to remove a child

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[604] Lord Belper, 13 May 1897, HL deb., *Hansard,* Fourth Series, Vol. 49, Col. 323. A detailed account of Belper's intervention can be found in 'Parliament', *The Times,* 14 May 1897, p. 6

[605] The 1872 Act had been the responsibility of the borough council, the 1897 amendment transferred responsibility to the local Poor Law Union. The London County Council superseded the Metropolitan Board of Works in 1890. For more information on the establishment of the LCC see, Susan D. Pennybacker, *A vision for London 1889-1914: labour, everyday life and the LCC experiment,* (London:1995).

[606] *Infant Life Protection Act,* 1897*,* 60 & 61 Vict. c. 57.

to the workhouse if they were found 'in premises that were considered to be unfit or overcrowded as to endanger health or be received by any person so unfit to have its' care.'[607] In its final form, the 1897 *Infant Life Protection Act* explicitly stated that Poor Law Unions were at liberty to 'appoint either male or female Inspectors.'[608] However in moving his amendment, Lord Belper stated that he had envisaged that the regime of inspection would be undertaken by 'ladies to visit the houses and make inspections as necessary.'[609] These amendments found their way into the Act that was passed into law on 6 August 1897.[610]

The 1897 Act did not prove to be a panacea in addressing problematic practitioners of paid-childcare. A good part of the new Act merely attempted to tackle some of the more obvious flaws in the registration procedures laid out in the 1872 Act. The new Act required paid-childcarers, not to just register their premises, but to list the name, age and sex of the children residing there and to give notice if the children were moved to another address.[611] Whilst these changes addressed some of the shortcomings of the 1872 Act, this new measure did not the tackle the vexed issue of single-child households. Even more perniciously, a new clause was introduced that

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[607] *Infant Life Protection Act,* 1897*,* 60 & 61 Vict. c. 57.

[608] *Infant Life Protection Act,* 1897*,* 60 & 61 Vict. c. 57, cl. 3.

[609] 'Parliament', *The Times,* 14 May 1897, p. 6.

[610] Belper's amendments made their way into the *Infant Life Protection Act*, 1897, 60 & 61 Vict. c. 57, cls. 3 & 15.

[611] *Infant Life Protection Act,* 1897*,* 60 & 61 Vict. c. 57, cl. 2.

placed beyond the law any children taken in for a fee greater than £20.[612] This measure was seemingly aimed at exempting the children of colonial officials from the new regime of inspection. If, as Chapter Two has argued, the 1872 Act was targeted at working-class women, the 1897 Act made this class bias explicit, leaving the childcare arrangements of those who could muster £20 a wholly private matter.[613]

These two shortcomings make it is difficult to argue with Stephen Cretney's judgement that the 1897 Act 'fell short of what was required for protection of the very young.'[614] Despite these flaws, taken as a whole, the Act transformed the basis on which paid-childcare was regulated: transforming the regulation of paid-childcare from an assessment of the childcarer's character, into a system of formal inspection that aimed to ensure the welfare of each child under the childcarer's control. Whilst, as this chapter will show the reality failed to live up to the ideal in many parts of the country, the 1897 Infant Life Protection Act, it nevertheless marked an important shift in the way the state and its agents interacted with paid-childcare providers.

The London County Council and Infant Life Protection 1894-1897

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[612] *Infant Life Protection Act,* 1897*,* 60 & 61 Vict. c. 57, cl. 5.

[613] Evidence of Clifford Luxmore Drew, August 1896, Minutes of Evidence, Select Committee of the Infant Life Protection Bill, House Of Lords Select Committee (hereafter, HL), No. 342, Vol. VII., p. 25.

[614] Stephen Cretney, *Family law in the twentieth century,* (Oxford: 2003), p. 633. George Behlmer *Child abuse and moral reform in England,* p.215 also considered the 1897 Act to be of marginal importance, dismissing it as 'flimsy.'

As has already been discussed in this chapter, the MBW and its successor the LCC had been most active in attempting to engage with the topic of paid-childcare and had, since 1879, employed a full-time Infant Life Protection Inspector. [615] By 1894 the workload was such that two additional Inspectors, one female and one male, were appointed.[616] The appointment of a female Inspector, Isobel Smith, a former lecturer at the National Health Society, was indicative of how women were beginning to be a visible presence in the regulation of paid-childcare.[617] However, Smith did not enter the workforce on equal terms. An article written by Mrs Warner Snoad of the International Women's Union appeared in the *Liverpool Mercury* celebrating the appointment of Isobel Smith. Whilst describing Smith's achievement as being indicative of the 'triumph of our own sex', Snoad also mentioned that 'as proof of sex prejudice in England' that whilst Smith's newly appointed male colleague would be paid an annual salary of £150, Smith would only receive £100 for the role.[618]

It was not only in terms of salary that Smith was treated differently from her male colleagues. The *Mercury* article also suggested that an informal

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[615] Ruth Homrighaus, 'Baby Farming', p.132

[616] *ibid.*

[617] The National Health Society was formed in 1871 by a close circle of philanthropists and medical professionals. Membership included Ernest Hart and the pioneering female physician Elizabeth Blackwell. The society took a broad interest in sanitary issues and raising awareness of public health issues via lectures and the distribution of leaflets on first aid and domestic science. For further information about the objectives of the society, see, National Health Society of London, *Public health papers and reports,* (London:1893), pp. 71-73 ; Clare Hickman, ' "To brighten the aspect of our streets and increase the health and enjoyment of our city': The National Health Society and urban green space in late-nineteenth century London", *Landscape and Urban Planning*, 118, (2013), pp. 112-119.

[618] 'Women's progress in 1894', *Liverpool Mercury,* 1 January 1895, p. 7

division of labour was envisaged amongst the Infant Life Protection Inspectors employed by the LCC. It was mentioned that whilst the female Inspectors were left to deal with the day to day inspection of infants, the male officers were primarily used 'for the detective part of the work of inspecting baby farms.'[619] This claim was supported by an internal LCC policy document produced by the Chief Officer of the Public Control Department, who described the makeup in gendered terms:

> There are five Inspectors, three women whose duties comprise of inspection at notified houses and two male Inspectors whose duties are almost of the detective nature. It is the duty of the latter to discover persons who keep nurse infants without notifying the council, and those who engage in the traffic of adopting infants for lump sum payments ... the work of the women Inspectors is equally important. They are women specially selected by the committee on account of their qualifications and experience for dealing with nurse infants of delicate constitutions and the possession of sympathy and tact when dealing with nurse mothers.[620]

It would appear that the formalised and supposedly gender-blind role of Infant Life Protection Officer offered male officers a capacity for playing the role of the detective in a similar manner to the amateur baby-farming detectives described in Chapter Three, something denied to their female

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[619] *ibid.*

[620] Letter, James Ollis to the Joint Committee of the Parliamentary and Public Committees, LCC, Reports and Printed Papers- Infant Life Protection Act, LMA, PH/GEN/1/2.

colleagues. This tendency was reflected in the manner in which, when it came to prosecuting those accused of breaching the Act, the prosecutions were always brought by one of Isobel Smith's male counterparts. [621] A parallel can be found in Jennifer Haynes's work on Sanitary Inspectors in the late nineteenth and twentieth centuries. Haynes detected a pattern of job allocation based on perceived gender characteristics. She also claimed that whilst nominally holding the same post, male Sanitary Inspectors were valued for tasks that required 'emotional detachment,' whilst the perceived lack of that quality saw female Inspectors lauded for their supposed capacity to form 'emotional attachments with their clients' and were earmarked for client-facing tasks.[622]

The notion of female workers having innate maternal instincts and understandings of childcare practice was also reflected in newspaper representations of female Infant Life Protection Officers. Nowhere was this more starkly illustrated than when the LCC appointed a second female officer in early 1898. The new appointee, Gerda Jacobi, had even more impressive credentials than Isobel Smith. The *Glasgow Herald* commented that 'the new lady Inspector was a student of the London School of Medicine for Women and holds the qualification of the Edinburgh College of Physicians and Surgeons.'[623] Nevertheless, the *Glasgow Herald* appeared

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[621] For example 'Police Court', *Daily Mail,* 16 November 1896, p. 6 ; ' Yesterday's law and police', *Lloyd's Weekly Newspaper,* p. 6 ; 'Police Court', *Standard,* 3 January 1900, p. 7 ; 'An unregistered home for infants' ,*The Times,* 7 December 1908, p. 8.

[622]Jennifer Haynes, 'Sanitary ladies and friendly visitors: women public health officers in London c. 1890-1960', (Unpublished PhD thesis, University of London, 2006), p. 37.

[623] 'Our London Correspondence', *Glasgow Herald,* 21 March 1898, p. 6.

not to place much value on her professional experience and qualifications, but to value the mere fact of her gender above all and stated that the 'council recognises the fact that the inspection of the children and giving advice on their rearing is essentially women's work.'[624] The *Herald* does not appear to have given any serious consideration to the possibility that Jacobi's training and experience could be the source of her expertise on childcare. This gendered representation, predicated on the notion as women having an innate capacity for caring for children, occurred, despite the fact that Jacobi was unmarried and childless. Susan Pennybacker has noted the irony in the LCC employing two unmarried and childless Infant Life Protection Officers on the basis of their maternal instincts, yet effectively preventing them from ever becoming mothers and remaining in post, due to the marriage bar that was in place throughout their employment at the LCC.[625]

Implementing the Act outside London

Gerda Jacobi had been appointed by the LCC early in 1898 to cope with the increased workload generated by the newly amended *Infant Life Protection Act*. Jacobi was joining an established inspection regime comprising a number of Inspectors. By contrast, the Poor Law Unions responsible for implementing the Act outside the capital had to implement an inspection regime from scratch. Writing in the *BMJ*, the surgeon Hugh Dunn praised

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[624] *ibid.*

[625] Susan D. Pennybacker, *A vision for London 1889-1914: labour, everyday life and the LCC experiment* (London: 1995) p.166.

the system of inspection put in place by the LCC, but contended that outside of London 'it cannot be said that local authorities and coroners have shown as much vigilance.' [626] A number of British cities, including Glasgow, Manchester, Birmingham and Sheffield, did not register a single paid-childcare provider under the terms of the 1872 Act.[627] Given that even major urban centres were, effectively, implementing an infant life protection policy from scratch, this caused major debate within Poor Law Unions and led to considerable variance in practice. In part this was caused by ambiguities within the wording of the 1897 Act, requiring that they 'shall from time to time make inquiry whether there are any persons residing therein who retain or receive infants for hire or reward' and if the Poor Law Union found 'any such persons retaining or receiving infants as aforesaid are found in its district, it shall appoint such Inspectors.'[628] The ambiguously worded requirement clause granted Boards of Guardians considerable latitude in deciding what the regime of inspection would look like within their unions and whether a specialist Inspector was to be appointed.

The decisions made by individual Poor Law Unions, and the process by which they made these decisions, are highly revealing about how the issue of paid-childcare was perceived at a local level. This latitude granted to Poor Law guardians in deciding how the Act was implemented is amply demonstrated by the experience of the Chorlton-cum-Hardy Union on the

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[626] 'Report on the baby farming system and its evils', *BMJ,* 7 March 1896, p. 618.

[627] Homrighaus, 'Baby farming', p.130.

[628] *Infant Life Protection Act,* 1897, 60 & 61 Vict. c. 57, cl. 3.

outskirts of Manchester. The Act had made its way onto the statute books on 6 August 1897 and by September 1897 the guardians had begun to consider how they were to implement the Act when it came into law in January 1898. At this meeting, the board of guardians had decided that it needed to appoint a specialist Infant Life Protection Officer. As has already been mentioned, no paid-childcare providers had registered under the 1872 Act and John Tatham, the Medical Officer of Health for Manchester, was forced to concede that the 1872 Act was completely unenforced in the Manchester area and admitted that he could not meaningfully comment on the amount of informal paid-childcare provision in the city. [629] An account of this meeting in the *Manchester Guardian* commented approvingly that the appointment of an Inspector in Chorlton would help to prevent 'some of the most barbarous acts associated with cases in which large lump sums have been paid by parents to wretches who leave the children to die of neglect.'[630] The paper also expressed the view that it was an 'obvious necessity' that some of the Inspectors appointed under the terms of the Act were female and were pleased to note that this view had also been articulated at the Board's meeting.[631]

Whilst the Chorlton board was more forward thinking than most, the *Manchester Guardian* appears to have significantly overestimated the proposed scale of Chorlton's inspection regime. The need to enforce the Act

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[629] Evidence of John Tatham, August 1896, Minutes of Evidence, Select Committee of the Infant Life Protection Bill, HL Select Committee, No. 342, Vol. VII., p. 76.

[630] [No title], *Manchester Guardian,* 4 September 1897, p.4.

[631] *ibid.*

was to be balanced against the cost of implementing it. Amongst the board members at the time of the September 1897, meeting was the women's rights activist Emmeline Pankhurst.[632] In her autobiography, Pankhurst commented on the lack of importance the board placed upon the implementation of the Act. Writing in 1914, Pankhurst described some of her former colleagues as 'guardians of the rates, not the poor.' [633] It would appear that Pankhurst's charge was not without foundation. Rather than employing multiple Inspectors in the manner the *Manchester Guardian* had imagined, the Chorlton Union opted to defray the costs of appointing a specialist Infant Life Protection Officer by entering into an agreement with the Manchester and Salford Poor Law Unions to appoint a single female Inspector. A joint committee established by the three Unions announced that 'out of a number of candidates they selected the 31 year old Miss Frances Zanetti as being the most suitable candidate ... at a salary of £2 a week, including travelling expenses.'[634] This single Inspector was to be responsible for a population of over 400,000 people and, like her female

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[632] The *Local Government Act* 1894 56 & 57 Vict. c. 73 allowed women to be appointed Poor Law Guardians in England and Wales. Pankhurst was amongst the first women to become a Guardian. The impact of women on Poor Law administration is considered in Steven King, ' "We might be trusted": Female Poor Law Guardians and the development of the new Poor Law: The case of Bolton, England, 1880–1906', *International Review of Social History,* 49: (2004), pp. 27-46.

[633] Emmeline Pankhurst, *My own story* (London: 1914), p.23.

[634] 1st Annual Report of Joint Committee appointed by the Boards of Guardians of the Chorlton, Manchester and Prestwich Union , December 1898, Chorlton Union, Papers Relating to the Infant Life Protection Act, Greater Manchester County Records Office (hereafter, GMCR), M4/60/3. It is not clear frim this document what qualifications or experience Zanetti possessed that made her particularly well equipped to fulfil this role.

counterparts at the LCC, Zanetti had been employed at a lower rate of pay than a male Poor Law official.[635]

Whilst the Manchester Joint Committee had a candidate in place for when the *Infant Life Protection Act* came into force in January 1898, other Unions did not begin to formulate their approach to the Act until their first meeting of the New Year. The vexed question of gender was played out very publically when the Halifax Board of Guardians came to appoint their Inspector.[636] Having resolved that their Union needed a full time Infant Life Protection Officer, the meeting appeared to have divided along gender lines with female board members making the case for a female Inspector on the grounds that 'a lady was far more likely to find out where cruelty existed in connection to baby farming' and could 'tell the ailments of young children far better than men.'[637] This suggestion was soon countered by Mr W. Wilson, who asserted that the 'the recommendation of the appointment of a lady Inspector had staggered him.'[638] Whilst expressing himself in more measured tones his colleague, Mr J.W. Hodgson, argued the Act was 'not a question of nursing ... that the Act was designed to prevent people housing a greater number of children than they had accommodation for.'[639] After a vote and the intervention of the chairman, the Halifax Board of Guardians

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[635] *ibid.*

[636] The Halifax, Huddersfield and Dewsbury union combined their resources to appoint a single Inspector. See, 'Local News', *Huddersfield Chronicle and West Yorkshire Advertiser,* 1 January 1898 p. 5

[637] *ibid.*

[638] *ibid.*

[639] *ibid.*

voted in favour of a male Inspector. Hodgson's understanding of the new Act may have been limited and partial, but this conversation powerfully illustrates the manner in which the terms of the Act were interpreted and contested at a local level. The heated debate that occurred amongst the Halifax Board of Guardians appears to have been shaped by disputes over what the Act was about. If the 1897 Act was perceived as an attempt to initiate a programme of infant welfare, then it created the opportunity for a debate about appointing a female Inspector, yet by casting the post as an exclusively administrative one, the male Poor Law Officials effectively shut down the debate by removing it from the sphere of female expertise.

In nearby Huddersfield, a town of a similar size with a similar occupational structure to Halifax, the Board of Guardians debate did not revolve around the gender of the Inspector, but over whether it was necessary to employ an Inspector at all. The Board's chairman conceded that 'they were practically in the dark' about the number of infants being looked after in exchange for money and the amount of work required by an Inspector as a result.[640] Members of the Huddersfield Board who contested the decision to appoint a full-time Inspector, speculated that the duties of an Inspector in their district would be practically non-existent, and board member W.P Hellawell claimed that it might well 'transpire that there were no nurse children in the Union and that it would be disadvantageous to appoint an Inspector who, once appointed, would probably remain on the establishment as long

[640] 'Huddersfield Board of Guardians', *Huddersfield Chronicle and West Yorkshire Advertiser,* 8 January 1898 p. 6.

as he lived.'[641] As Chapters Two and Three have discussed, paid-childcare was often perceived as an almost exclusively urban, if not metropolitan, phenomenon and medium sized industrial towns were not thought to be particularly likely to contain practitioners of paid-childcare providers in need of inspection. [642]

The comparatively low importance many Poor Law Unions placed upon the Act was reflected by the manner in which a sizeable number of Unions appointed their relieving officers to take on additional duties and Act as their Union's Infant Life Protection Inspectors. The decision to amalgamate these two roles contained a powerful illustration of how some Poor Law Unions perceived the socio-economic position of paid-childcarers. It carried an unarticulated assumption that their relieving officer would be engaging with the same client group, albeit in a different capacity. The conflation of paid-childcare with Poor Law dependency and the prospect of regular, publically observable visits from a relieving officer, only served to further marginalise and stigmatise paid-childcare and the women who offered it. The Stowmarket Board of Guardians were as convinced as some of their counterparts in Huddersfield, that there would be few if any cases to detain them and elected to extend the duties of their two Relieving Officers to encompass Infant Life Protection on the understanding that 'they should be

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[641] *ibid.*

[642] For more information on the patterns of childcare in West Yorkshire wool towns, see Melanie Reynolds, 'Brutal and negligent?: 19th century factory mothers and childcare' *Community Practitioner* 84:10 (2011) pp. 31-34 ; Elizabeth Roberts, *Women's Work 1840 - 1940,* (Cambridge: 1998) pp.4-38.

paid [an additional] £2 2s a year.'[643] A flaw in this plan was soon unearthed when one of the Relieving Officers, Mr H. Riley, 'promptly refused to fill the post.'[644] Riley and his colleague, Mr Roper, were convinced that the duties were rather more strenuous than the Board of Guardians imagined, explaining that in the course of his work he had come across nine or ten cases that would require inspection under the terms of the Act. Both men refused to undertake this role in exchange for such a trifling increase in salary. The board was reduced to asking their School Attendance Officer if they would fulfil the role.[645] The disagreement between the Guardians of the Poor Law and their employees who actually administered poor relief is revealing, but of what is less clear. It could be, like their counterparts in Halifax, that after two decades worth of press representations of paid-childcare being undertaken by malevolent women in the most overcrowded slum districts of Britain's largest cities, the Poor Law Guardians simply could not fathom the possibility of the practise existing in a Suffolk market town. However, an alternative explanation is that the Stowmarket Board of Guardians simply wished to fulfil the bare minimum required by the new law, at the lowest possible cost.

Regardless of their motivations, the Stowmarket Guardians could credibly claim that they were unaware of paid-childcarers operating in their district

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[643] 'Stowmarket Guardians and Infant Life Protection,' *Ipswich Journal,* 7 January 1898, p. 5.

[644] *ibid.*

[645] The newspaper does not record if the school attendance officer accepted the post or the gender of the school attendance officer.

and as such could not countenance funding a full time Inspector. It is difficult to see the actions of the Holbeck Union in Leeds in the same light. The Holbeck Union baulked at the cost of appointing a full time Inspector and instead opted to add this to the duties of their Relieving Officer in exchange for an additional £5 pounds a year.[646] Holbeck contained some of the most overcrowded manufacturing districts in Leeds. The city had also experienced a number of trials of paid-childcare providers and it is difficult to see the unwillingness to appoint a specialist Inspector as anything other than the actions of 'rate savers.'[647]

Getting to work

The process of appointing Infant Life Protection Officers took place in a piecemeal fashion, with the boards of individual Poor Law Unions interpreting the law in an appreciably different manner, reflecting prevailing attitudes to infant life protection in different areas. However inconsistently the law was applied, these newly appointed Inspectors had an opportunity for regular, face to face engagement with paid-childcare providers that had not been possible before. These encounters were recorded by Infant Life Protection Officer in case files and the records of four Poor Law Unions have survived.[648] Whilst limited in number, these remaining

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[646] 'Holbeck', *Leeds Mercury,* 10 January 1898, p. 4.

[647] 'Suspected baby-farming in Leeds', *Leeds Mercury,* 23 February 1880, p. 8 ; 'Supposed baby farming', *Sheffield & Rotherham Independent,* 24 February 1880, p. 2.

[648] This analysis is based upon case records drawn from Four Poor Law Unions in the South of England (Bedford, Abingdon, Staines, & Hendon) research has been augmented by fortnightly reports written by Infant Life Protection Officers from the combined Chorlton, Prestwich and Manchester Poor Law Union and annual report.

files offer a way of exploring the relationship between Inspectors and their client group, albeit largely from the perspective of the Inspector.

These individual case records are also reinforced by fortnightly reports produced by Frances Zanetti, employed by the Chorlton, Prestwich and Manchester Unions, and by correspondence produced by LCC Inspectors. Along with being limited in scope, there is little consistency in the method or quality of information collected, thus making direct comparison between Poor Law Unions difficult. However, these records further confirm that the ambiguities inherent in the 1897 *Infant Life Protection Act* led to strikingly different practice at local level. Whereas officers in the Abingdon Union often recorded information on the health and welfare of the children under inspection, the Bedford Poor Law Union appear to have interpreted the Act in a similar way to their counterparts in Halifax. Administrators in Bedford saw the Act as being primarily an administrative measure concerned with ensuring that paid-childcare providers were registered with the authority and their homes were not overcrowded. The comments section of the Inspector's case book diligently records 'no refusal of entry, house clean and not overcrowded' in each of the 15 cases under inspection.[649]

[649] Report, Bedfordshire Poor Law Union Records, Records Under the 1897 Infant Life Protection Act and the 1908 Children Act, Inspector's Report Book under the 1897 *Infant Life Protection Act*, Bedfordshire and Luton Archives (hereafter, BLA), PUBH 6/2.

Non-urban areas

The individual case files that remain accessible are all from Unions based in non-urban settings. Whilst they are limited in geographical and socio-economic scope, these records nevertheless provide a valuable insight into how sustained and direct contact helped to shape responses to paid-childcare. The first, and most obvious, consequence of the new inspection regime was the discovery of sizeable numbers of paid-childcare providers operating far from the large urban centres. Comparatively small rural settings such as Culham, within the Abingdon Union in Oxfordshire, contained five women offering childcare in exchange for money. This pattern of sizeable numbers of paid-childcarers living in rural settings was repeated in the village of Harmondsworth in Middlesex, where the Inspector from the Staines Union oversaw six homes.[650] As Chapter Three explored, the notion of the woman offering paid-childcare was thought to be a largely urban phenomenon, closely related to urban depravity and the inherent deviancy of city women.[651] Whilst the numbers of women working as paid-childcare providers was comparatively high within Culham and Staines, the number

[650] Given that the 1897 Act only required those who had taken in two or more infants to register, it is possible that these small settlements contained even more providers of paid-childcare providers.

[651] The orthodox view that paid-childcare was predominantly an urban phenomenon has not been challenged by the secondary literature. A useful comparison might be found in treatment of 'boarding out' in Scotland. 'Boarding out' involved the transfer of children from Scotland's urban core to its romanticised rural periphery. Lynn Abrams, *The orphan country,* p. 43 asserted that the alleged benefits of 'boarding out' were expressed in terms of removing children 'from the urban slums to the rural districts where they might flourish away from the harmful influences of the city.' Abrams also asserted that boarded out children were equally popular to economically deprived rural communities as the money paid by the Poor Law Unions represented one of the few stable income streams. This may go some way to explain the levels of paid-childcare in these relatively small, isolated rural villages.

of children each woman took in was comparatively small. Within the case files examined, the largest number of infants in the care of a single childcare provider was four.[652] However, this household of four infants was very much the exception. Of the 19 women who had infants registered under the 1897 Act in the Hendon Union, only one had any more than two children, at which point it became necessary to register under the terms of the Act.[653] It is striking that these case notes contain nothing that could have been conceivably described as a 'baby farm' with large numbers of infants aggregated in near industrial conditions. That is not to say that neglect or poor childcare practice was unknown. In two instances, the Inspector for the Staines Union removed a child to the workhouse, a move unlikely to be undertaken lightly, given that the Poor Law Union would then be responsible for their upkeep. For those paid-childcarers determined not to be monitored, the Inspector remained relatively easy to avoid. The Inspector of the Hendon Union, noted the case of Eliza Beechey and recorded in September 1906 that 'Mrs Beechey has gone away. Presumably abroad and has taken the children with her.'[654] However these cases of neglect and evasion were dwarfed by the overwhelming majority of cases where Inspectors felt that infants were well cared for. These case files rarely give

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[652] Mrs Mary Little, Case No. 7, Staines Board of Guardians, Infant Life Protection, Register of Persons Undertaking Nursing or Maintenance of Infants, LMA, BG/S/006.

[653] Mary Allen, Case No. 1, Hendon Board of Guardians, Infant Life Protection, Register of Persons Undertaking Nursing or Maintenance of Infants, LMA, BG/H/170.

[654] Eliza Beechy, Case No. 11, Hendon Board of Guardians, Infant Life Protection, Register of Persons Undertaking Nursing or Maintenance of Infants, LMA, BG/H/170.

extensive detail, merely recording that the 'child appears well cared for' and do not expand on what standard of care, cleanliness and dwelling any given Inspector might deem as acceptable for a child being looked after in exchange for money. [655] Nevertheless, even within these limited accounts of supposedly successful arrangements, it is possible to make some powerful inferences. For the women recorded in the casebook, taking in children in exchange for money cannot be understood as a regular occupation, in which a steady stream of infants were taken in to maximise the returns. For example, in the Staines Union only two carers took in new infants after the first child left their care.[656] It is possible to suggest that in this sense, very few of the women documented within the case files saw taking in children as a career. Indeed, in a case taken from the Abingdon casebook, there is evidence that paid-childcare providers formed emotional attachments to the children in their care and effectively incorporated them into family structures. Edith P. was placed with Eliza Woodley, along with the promise of a payment of 5 shillings a week. This money, infrequent at first, soon stopped altogether. By December 1908, Woodley had been supporting Edith by her own means since Easter that year. This arrangement continued until

[655] Witnesses sat the 1908 Select Committee certainly believed that the requirements of the 'brass button' inspections carried out by Infant Life Protection Officers was rather too proscriptive. As has already been discussed in Chapter Four, in Barbara McIntosh's trial for culpable homicide, her defence counsel mounted that a lower standard of care ought to be applied to such infants.

[656] Of these two cases, one of woman waited a period of two years before taking another child into her home. Mary Mitchell, Case no. 3, Staines Board of Guardians, Infant Life Protection, Register of Persons Undertaking Nursing or Maintenance of Infants, LMA, BG/S/006.

at least 1912, when Edith turned seven and ceased to come under the terms of the Act.[657]

This notion of a child being looked after in a relatively stable, single home is in marked contrast to the trajectory proposed by the NSPCC's baby-farming detective who, interviewed two years prior to the 1897 Act coming into force, asserted that infants were, effectively, a readily traded commodity for such women, passing 'through a dozen hands in each case the fee dwindling down lower and lower.'[658] As has already been discussed in Chapter Two, a great deal of the rhetoric around paid-childcare and the creation of the demonic 'baby-farmer' invoked notions of the helpless newborn thrust into the care of a malevolent baby-farmer, who would dispatch it in short order, either by neglect or by outright murder.[659] Of the records examined, Hendon and Staines were the only Poor Law Union to enter the child's date of birth, so a degree of caution needs to be exercised, but an analysis of these Inspectors' casebooks reveals a rather more complex pattern. Of the 29 infants listed in the Staines casebook, 15 had come into the care of a childcare provider after they had reached the age of two. In Hendon, seven infants of the 16 recorded

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[657] Eliza Woodley, Case no. 2, Records of Abingdon Board of Guardians, Infant Life Protection Act (1897), Inspector's Report book, Berkshire Record Office (hereafter, BRO), G/A13. An interesting parallel can be found in Trevor Griffiths, *The Lancashire working classes 1880 - 1930*, (Oxford: 2001), p. 222. Griffiths has asserted that relations cannot be understood in purely utilitarian terms and 'assistance was often provided with no prospect, immediate or long term of reciprocation.'

[658] 'Not wanted: a talk about baby farmers and their ways', *Daily News,* 25 April 1896, p. 4.

[659] As Chapter One has addressed sentimental depictions of children and childhood was not confined to children looked after for money. As Anna Davin, *Growing up poor*, p. 5 has advocated that attempts to extend the middle class prerogative of infanthood as being characterised by 'innocence and the attendant economic and social dependence' was a characteristic of middle class-led campaigns of this period.

had first passed into the hands of a paid-childcare provider at the age of two or older. Along with the pattern of children entering paid-childcare at an older age than represented in campaigning literature, there is also a sense that placement with a paid-childcare provider did not imply abandonment on the part of the parent. In the 14 cases in the Staines Union, where an infant left the home of a paid-childcarer before they reached the age of five, eight returned to their parents and a further two were taken in by other relatives.[660] It is therefore possible to suggest that some parents used the services of paid-childcare providers as a temporary measure, rather than a total abandonment of their parental duties. This is confirmed by the Abingdon Poor Law Union's records. The Inspector recorded that a number of the children had been placed there due to the pattern of parental work, such as John Jackson, who was placed with a paid-childcarer in Abingdon Bridge, as his father was a 'traveller to a firm of oil merchants' or a short term family crisis, such as James Hopton whose mother was 'placed in an inebriate reformatory.'[661]

The picture generated of often older children being placed in relatively unproblematic and functional forms of paid-childcare for short periods is also reflected in Ruth Homrighaus's statistical analysis of the LCC's post

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[660] The Act ceased to apply to children after the age of five and their details ceased to be recorded by the Inspector. Of the remaining cases, one child was placed in an orphanage and three were taken by other paid-childcarers outside of the district.

[661] John Jackson, Report, Records of Abingdon Board of Guardians, Infant Life Protection Act (1897), Inspector's Report book, BRO, G/A13 ; John Hopton, Report, Records of Abingdon Board of Guardians, Infant Life Protection Act (1897), Inspector's Report book, BRO, G/A13.

1908 case files.[662] Lydia Murdoch has argued that children's homes and workhouses were far from being the preserve of orphaned children; charitable and state-run organisations were used as a form of respite care or as a response to short term familial difficulties and children 'came in and out of the workhouse intermittently, before returning to their families on either a permanent or temporary basis.'[663] It is therefore possible to suggest that the representation of paid-childcare as a 'final destination' for children is in need of significant revision. It would appear that along with being a method by which unmarried women were able to manage the social and economic burden of parenthood, it could be used by parents to provide respite at times of acute difficulty.

Urban areas

Whilst it is not possible to access Infant Life Protection case files from a major city, Inspectors in Manchester and London left behind extensive written records in relation to their workload and the paid-childcarers they encountered. Frances Zanetti produced a fortnightly summary of her work and a far lengthier annual report, documenting the progress in implementing the Act in Manchester. The LCC preserved internal and external correspondence produced by its Infant Life Protection Officers, including letters sent by paid-childcare providers. Whilst the individual

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[662] Ruth Homrighaus, 'Baby Farming', pp 281-287. In relation to the post 1909 period, Homrighaus discovered that 1,669 childcarers registered with the LCC took in approximately 4,200 infants across this period. 73% of the sample took in less than three children at once. The children in their care spent an average of 1.33 years with their childcare providers and 40% of these infants were returned to the care of their parents.

[663] Lydia Murdoch, *Imagined orphans*, p.42.

records are less detailed, Inspectors based in cities engaged with a far greater number of paid-childcarers than their rural counterparts.[664] After her appointment in February 1898, Zanetti wasted no time in making a survey of childcare provision in her districts. In her first year in post, Zanetti identified a total of 18 women who were registered under the terms of the Act and initiated prosecutions of a further four who had failed to register under the terms of the new Act.[665] By 1901 this had risen to a total of 27 childcarers registered under the terms of the 1897 Act and six prosecutions for failure to register.[666] It is, perhaps, unsurprising that Zanetti, working within a densely populated and rapidly expanding urban environment, met problematic paid-childcare providers. For example, in December 1900, Zanetti visited a home where a child was being looked after by 'Mrs E Y' in exchange for 4 shillings a week. The child was, by Zanetti's own account, in a filthy condition, 'the house was rarely clean when I visited which was every three weeks and neighbours told me he was cruelly

[664] By way of example, in the year 1900, Frances Zanetti conducted 1,404 visits to a total of 234 infants. Inspector's Third Annual Report to the Joint Committee of the Chorlton, Manchester and Prestwich Unions, December 1990, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3.

[665] 1st annual report of Joint Committee appointed by the Boards of Guardians of the Chorlton, Manchester and Prestwich Union to superintend the provision of the Infant Life Protection Act, 1897', December 1898, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3. The four prosecutions would appear to be for technical infractions of the Act and in each case Zanetti did not express any concerns about the children's welfare.

[666] Inspector's Fourth Annual Report to the Joint Committee of the Chorlton, Manchester and Prestwich Unions, December 1901, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3.

treated'.[667] In subsequent visits, the child continued to appear weak and malnourished. She removed the child and a medical examination confirmed that the 'he had been neglected, badly malnourished and probably ill treated. His nose had been broken, probably from a blow'[668] However, in her end of year review Zanetti went to considerable pains to emphasise that Mrs E.Y. was exceptional and was one 'of five cases that required any special attention.'[669]

Zanetti also recorded that in a number of cases, children who appeared undernourished and neglected by their parents had begun to flourish when placed with a paid-childcare provider. A particular noteworthy example was recorded in January 1901. A 'small and puny girl' had been placed with a paid-childcare provider five months previously.[670] However within this comparatively short period of time, she received 'extraordinary care and is now strong and healthy.'[671] Zanetti also noted that the paid-childcare provider 'is devoted to her [the infant] and altogether the case is a most satisfactory one.'[672] The transformation in the child was even more spectacular as she had been received in exchange for a modest 'lump sum'

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667 Case 43 in the register, June -December 1900, Epitome of nine fortnightly reports, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3.

668 *ibid.*

669 Inspector's Third Annual Report to the Joint Committee of the Chorlton, Manchester and Prestwich Unions, December 1990, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3.

670 Case 50b in the register, January -May 1901, Epitome of nine fortnightly reports, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3.

671 *ibid.*

672 *ibid.*

payment of £3. So called 'lump sum' adoptions were felt to be particularly problematic as there existed no incentive to preserve the life of the infant once payment had been received. Between these two extremes, there were a far greater number of women who provided broadly adequate care to the infants in their charge and Zanetti's reports display an ability to make nuanced judgements about individual women. This is particularly evident in her ability to distinguish between the physical squalor of the physical environment and the quality of the care provided. This marks another point of departure from so called 'baby-farming detectives' who saw dirt as being symptomatic of moral degradation and bad character. Whilst a dirty home often attracted comment, it would not be enough to condemn a childcarer outright. For example in a visit of August 1898, Zanetti 'found the children fairly clean and evidently kindly treated. The bedrooms however were very dirty and as a result of my visit Mrs _____ whitewashed the walls and washed the bedding, but needs frequent reminding.'[673]

Isobel Smith of the LCC also experienced contact with paid-childcare providers that undermined the representation of them as avaricious monsters. The informal nature of the financial arrangements between parents and childcarers placed the latter in a vulnerable position. Childcarers were sometimes left - literally and figuratively - holding the baby whilst a parent, who had promised weekly payment, disappeared from

[673] Case 19 in the register, June-December 1898, Epitome of nine fortnightly reports, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3.

view. This occupational hazard befell Annie Danston, a registered childcare provider living in New Cross. In desperation she sent Isobel Smith a letter explaining her situation. The tone of Danston's letter was desperate, requesting Smith's help in getting payment from two parents who had left their children with her and owing debts of £7.16s. It would appear that this money was badly needed as Mrs Danston commented that Smith will 'no [sic] how I am placed with [Mr] Danston in the infirmary.'[674] Along with her letter, Mrs Danston enclosed an invoice from her landlord, documenting her rent arrears of £1.8s. After investigating Mrs Danston's case and discovering another paid-childcare provider, left in similarly straightened circumstances, Smith constructed a report for the Chief Officer of the LCC's Public Control Department and stated that 'I believe that both women have sold or pawned all that they can part with and are denying themselves necessary food to provide sufficient for the infants in their care.'[675] In the same report, Smith stated that both women have 'expressed their willingness to give up the infants' and suggested the new Act could be used to remove the children to the workhouse and relieve the burden on the two childcarers.[676] This suggestion was dismissed by the Public Control Department's Chief Officer in a curt memorandum reminding Smith that it was 'unwise for the council to assist in any way in relieving persons of the

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[674] Letter, Jane Danston to Isobel Smith, 14 March 1898, LCC, Subject and Policy Files - *Infant Life Protection Act*, LMA, PH/GEN/1/1.

[675] Special Report, March 1898, LCC, Subject and Policy Files - *Infant Life Protection Act*, LMA, PH/GEN/1/1.

[676] *ibid.*

great responsibility they undertake with nurse children.'[677] Despite Smith's failure to convince her superiors to adopt this course of action, it is remarkable to note that within a few months of the 1897 Act coming into force, it was being used to try and intervene on behalf of a paid-childcare provider, who had apparently been exploited by the parent of an infant. This episode served to disrupt the established narrative of paid-childcarers being primarily motivated by avarice and displaying a wanton disregard for infant life. Indeed, the account given by Smith, of women starving themselves and selling their possessions so that to preserve the life of an infant, more closely resembles the 'ideal' of the self-sacrificing Victorian mother.[678]

Representation or reality?

It is important to guard against treating casenotes and reports generated by Infant Life Protection Officers as being more reflective of the 'reality' of nineteenth century paid-childcare and the natural counterpoint to the fanciful accounts given by male 'baby-farming' detectives dealt with in Chapter Three. It is possible to make a case that Infant Life Protection Inspectors engaged with paid-childcare providers in a more systematic and intensive manner than the 'baby-farming detectives' did, but both of these sources provide a one-sided depiction of a dynamic two-way relationship, told from the perspective of the powerful. It is striking that in these case files, challenges to authority and negotiation are almost wholly absent. In

[677] Memorandum of the Chief Officer, [undated], March 1898, LCC, Subject and Policy Files - *Infant Life Protection Act*, LMA, PH/GEN/1/1.

[678] For a summary of the debate around the norms of late-Victorian motherhood, see Ellen Ross *Love and Toil* pp.4-9.

the words of Bruce Bellingham, these accounts 'proceed in a pristine social field cleared of antagonism.'[679]

In legal and material terms, Infant Life Protection Officers wielded more direct power over paid-childcare providers than the so-called 'baby-farming detectives' ever did. The legislation underpinning the relationship between Infant Life Protection Officers and paid-childcare providers served to formalise this inequality. The Infant Life Protection Officers possessed the power to remove infants to the workhouse and to restrict the numbers of infants a childcarer could keep at her home, if they deemed the care to be substandard.[680] Such a decision could, at a stroke, deprive women in a precarious financial position of their only means of support. Whilst in a relatively powerful relationship as regards their clients, Infant Life Protection Officers were accountable to an executive committee or senior Poor Law Officials, who were almost inevitably dominated by older men. [681] The reports and casenotes by these Infant Life Protection Officers were produced for these audiences. Thus it is possible to see these documents as not only chronicling the worker's experience of an interaction with a paid child-care provider, but also a self-penned testament to their own professional competence, addressed to their superiors.

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[679] Bruce Bellingham, 'Waifs and strays', p. 124.

[680] *Infant Life Protection Act*, 1897, 60 & 61Vict. c.57, cl. 7. The Act required that the Poor Law Union maintain the child at the workhouse until it could be 'disposed of.' It does not specify to whom the infant can be surrendered to.

[681] For a fuller discussion on the gender and hierarchical power relations within welfare organisations, see Mark Peel, *Miss Cutler & the case of the resurrected horse,* p. 4.

As discussed above, case files are not an unproblematic source, being enmeshed in a complex relationship of gender, class and organisational hierarchies. There is also a persuasive case to be made that Infant Life Protection Officers largely encountered, and inspected, the most conscientious and transparent providers of paid-childcare. Some Poor Law officials certainly suspected there remained large numbers of paid-childcare providers who remained unregistered. Willimena Brodie Hall, a Guardian of the Eastbourne Poor Law Union, estimated that 75% of those required to register remained outside the reach of her Union's Infant Life Protection Officer.[682]

In part this was due to the manner in which the *Infant Life Protection Act* of 1897 was enacted. Whilst Infant Life Protection Inspectors were given more latitude to actively seek out unregistered carers, it was still incumbent upon paid-childcare providers to unpick the complicated requirements of the Act and work out whether it applied to infants in their care. Having established that the children in their care were liable for inspection, they had to register with the relevant authority.[683] Indeed, when unregistered childcarers were brought before the Police Court for technical breaches of the new law, many professed confusion about the terms of the Act. In a number of these cases it would appear that despite being in breach of the law, the children received a high standard of care, suggesting that such claims were not without

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[682] Evidence of Wilhelmina L. Brodie Hall, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 59.

[683] *Infant Life Protection Act*, 1897, 60 & 61Vict. c.57, cl. 2.

foundation.[684] The LCC had made some efforts to publicise the new Act, but in other areas publicity was negligible or non-existent.[685] In the light of this, it would appear that the picture that emerged from these case files may be thought of as partial at best.

As a source for documenting the reality of paid-childcare in late nineteenth and early twentieth century Britain, these case files may be every bit as compromised as the lurid accounts given by 'baby farming detectives.' Nevertheless, in terms of exploring representations of paid-childcare, the value of the case files, generated by a largely female workforce, created new forms of knowledge around the topic. It is not overstating the case to argue that these patiently assembled files revealed something that the witnesses at the 1872 Select Committee thought unthinkable: a system of functional, informal, paid-childcare provision in exchange for money, but not predicated on the neglect or disposal of infant life. The degree to which the self-sacrificing Mrs Danston or Eliza Woodley were representative of wider practices of paid-childcare is a moot point. Indeed the trials documented in Chapter Four of this thesis are suggestive of a range of practice somewhere between this and the representation of paid-childcare providers as murderous 'baby-farmers.' This is not to suggest that by the end of the

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[684] For example, 'The protection of children', *Leeds Mercury,* 27 November 1900, p.6 Typically these cases where the Act was breached but there was no suggestion of neglect would be dealt with by way of a fine in the region of 10s.

[685] Report, October 1897, The London County Council made some efforts prior to the introduction of the Act to alert childcare providers of the changes. This took the form of distributing handBills and placing advertisements in local newspapers. See, Reports, October 1897, LCC, Subject and Policy Files - Infant Life Protection Act, LMA, PH/GEN/1/1.

nineteenth century, paid-childcare. had fully shaken off its unsavoury connotations, but, at the very least, female Infant Life Protection Officers were well placed to create a powerful countervailing narrative around paid-childcare and the women who practised it.

A vocation or a profession?

As has been demonstrated in this chapter, a number of Poor Law Unions perceived the role of an Inspector as being solely administrative and supervisory in nature and expected the post holder to merely check that the paid-childcare provider was correctly registered and had not exceeded the set number of children. Some Infant Life Protection Inspectors expanded their role beyond these confines. One clause in the Act allowed Inspectors, should they wish, to offer 'any necessary advice or directions as to such maintenance.'[686] This clause in the Act was permissive rather than directive and it would appear that Frances Zanetti ensured that this became a key component of her work in the Manchester area. This approach was evident in a case where she recorded improper feeding:

> I have almost always found the house clean and believe Mrs ____ to be kind to the children, but upon visiting the house that an infant of nine months being allowed to eat bacon and potatoes, his guardian being very proud of his liking such food. I read Dr Niven's pamphlet on the dangers of improper feeding and received a promise that the child would have nothing but milk and

[686] *Infant Life Protection Act*, 1897, 60 & 61 Vict cl. 3.

> farinaceous food I have been told that the promise has been kept.[687]

Zanetti also gave public lectures where she advocated a regime of 'fresh air, cleanliness, suitable clothing – and above all – natural food' for infants looked after in exchange for money.[688] This unheralded transformation of the post into a child welfare function, whose primary purpose was to improve child rearing practice rather than provide supervision, was paralleled in London, where the LCC produced a pamphlet for the women registered under the Act, offering a guide to clothing and feeding the infant. This pamphlet emphasised the importance of bottle hygiene and ensuring the child's bedroom was well ventilated.[689] The fact that Zanetti and the female Inspectors of the LCC had broadened the role of the Infant Life Protection Officer to encompass a welfare function did not happen in isolation from wider cultural trends in the first decade of the twentieth century. As Chapter One of the thesis has already mentioned, the first decade of the new century saw a profound focus on infant wellbeing in the face of 'racial' decline, should moves not be made to improve the physical and mental welfare of the next generation.[690] These concerns were articulated by the campaigning physician John Byers who saw the 'physical

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[687] Case 20 in the register, Epitome of eleven fortnightly reports June – December 1898, Chorlton Union, Papers Relating to the Infant Life Protection Act, GMCR, M4/60/3. Dr James Niven was the Medical Officer of Health for Manchester between 1894-1922.

[688] 'Things one should know'*, Manchester Guardian,* 13 December 1907, p. 14.

[689] For the information and guidance of the persons registered in the County of London, [no date], LCC, Subject and Policy Files - Infant Life Protection Act, LMA, PH/GEN/1/1.

[690] Harry Hendrick *Child welfare: England 1872-1989,* p. 41 ; Anna Davin, *Growing up poor,* p. 3.

and mental deterioration of the race', leading to a nation populated by 'anaemic, backward and ill-fed children.' unable to maintain its colonies or compete with its Imperial rivals. [691] Stephen Cretney has asserted that this manifested itself in a renewed in an interest in establishing 'preventative mechanisms' to ensure child welfare, as opposed to merely punishing those who had mistreated infants.[692] This shift is clear when comparing the comparatively narrow set of concerns expressed by Curgenven and Hart - that children looked after for money were being murdered - to the more diffuse anxieties expressed by Byers. In this context, it gave a handful of Infant Life Protection Officers the space and rhetorical tools to shift their role from one of preventing children from being murdered, to that of ensuring the continued health and welfare of children under their supervision.

Frances Zanetti: re-shaping narratives.

This was not the first time that complex and potentially disruptive accounts of paid-childcare provision had been constructed. As Chapter Four demonstrated, the trials of paid-childcare providers can be examined to reveal the multifaceted nature of paid-childcare provision. However as Chapter Four discovered, the ambiguity and nuance that played out in court was largely obliterated by press coverage still keen to represent paid-

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[691] John W Byers, 'The infant and the nation', in T.N. Kelynack (ed.), *Infancy,* (London: 1910). p.119. See also, John Gorst *Children of the Nation* (New York: 1907). Not all writing on child welfare from this period is suffused with imperial concerns, see Carolyn Steadman Childhood, culture and class in Britain: Margaret McMillan 1860-1931 (London: 1990).

[692] Stephen Cretney, *Family law in the twentieth century*, p. 643.

childcare practices as malevolent 'baby-farming.' That the narratives constructed by Infant Life Protection Officers were not similarly marginalised was largely due to the advocacy of women such as Zanetti using their position to engage with the wider topic of infant welfare. This is not to suggest that all Infant Life Protection Officers became crusaders for infant health. Zanetti, in particular, is worthy of further study because her efforts appear to be exceptional. Despite only ever holding a junior position within the organisation she worked for, and spending the majority of her working life engaged in day to day interactions with paid-childcarers, she was able to become a powerful and visible advocate for reform of Infant Life Protection laws and capable of re-shaping narratives of paid-childcare. It was the decision of the Chorlton, Prestwich and Manchester unions to allow Zanetti to inspect children who were being looked after in single child households that would have the most significant impact. This decision, made at Zanetti's behest and willingly acceded to by the joint board, granted Zanetti an oversight of paid-childcare that was arguably unparalleled by any other public official.[693] As explored in Chapter Two, there had been an unwillingness to include single-child cases in the regime of inspection, as it was felt that such cases most closely resembled the norm of the middle-class family unit and did not tally with the perceived vision of the 'baby-farm' in

[693] Jesse James Simpson, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 35. Jesse James Simpson, Clerk of the Guardians of the City of Bristol, had attempted to trace the number of single-child cases, but did not do so on anything like the systematic basis Zanetti did. Simpson claimed that his Inspectors had found 139 cases where children 'were apparently paid for, but inspection was not required ... [and] there were sufficient grounds to believe that the homes or their treatment was not satisfactory.'

which many infants were aggregated in a single household. It was, however, a notion unsupported by anything approaching rigorous investigation into the standards of care given to those households with only one child in them. Between the years 1898 and 1901, Zanetti inspected a total of 809 children, of whom only 167 were covered by the 1897 Act. The remainder were single-child cases in which she was powerless to intervene.[694] She also expressed the view that of the single-child cases, she had witnessed just as much 'improper feeding and ignorant treatment' amongst single child cases as she had witnessed in houses where more than one child was looked after.[695]

Zanetti communicated this view repeatedly in the first ten years that she held her post. A call to extend the law to cover all children looked after for money regularly prefaced Zanetti's annual reports and this advocacy for law reform attracted attention from the *Manchester Guardian* which reported that she 'did not consider the current law efficacious.'[696] Zanetti also addressed Manchester's medical community on the need to regulate paid-childcarers who only took in one infant. Along with addressing the primary topic, Zanetti also took the opportunity to remind the assembled physicians that 'before making a sweeping indictment against these women, they should look round and make themselves familiar with their surroundings.'[697] Zanetti's rebuke to the assembled medical men of

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[694] 'Unprotected children', *Manchester Guardian,* 28 February 1908, p. 14.

[695] 'The state and the child', *Manchester Guardian,* 18 November 1905, p. 9.

[696] 'Infant Life Protection', *Manchester Guardian,* 12 January 1907, p. 6.

[697] 'Death of Infants,' *Manchester Guardian,* 14 February 1907, p. 3.

Manchester not only served to indicate her willingness to communicate more nuanced representations of paid-childcare providers, but also served as a powerful illustration of how far the medical community had ceded authority on the regulation of paid-childcare since the 1860s and 1870s.

Zanetti's advocacy of extending the law to cover single-child also saw her speaking at international conferences. 1902 saw Zanetti travel to London to speak at the Third International Congress for the Welfare and Protection of Children. In front of an audience that included politicians, charity heads and medical authorities drawn from across Europe and North America, Zanetti argued for an extension of the 1897 Act to cover single-child cases.[698] Along with her determined advocacy of inspection of children kept singly, Zanetti also explained to the assembled audience the nature of the challenge she faced in Manchester. Zanetti rejected the assumption that when she encountered sub-standard paid-childcare provision, it was not due to a malicious desire to maximise their profits, 'but she wished to emphasise the fact that the majority of the deaths were due to ignorance and carelessness and could be prevented.'[699] Zanetti linked this to perceived shortcomings in working-class child rearing practices, asserting that children under the control of paid-childcare providers were 'brought up in much the same manner as other children in the same neighbourhood.'[700] In order to address the perceived inadequacies, Zanetti did not advocate police inspection or

[698] William Chance [ed.], *Report of the proceedings of the third international congress for the Welfare and Protection of Children*,(London:1902), p. xi.

[699] *ibid.* p.164.

[700] *ibid.*

criminal sanction, but a programme of education, 'practical teaching on the care and management of the child ought to be taught to [school] girls. If they could be taught to feed and clothe infants it would be a great boon.'[701] By including her client-group in this wider discourse, Zanetti expressed the view that paid-childcare providers were not a 'class-apart' and the children in their care were not at unique risk.

Just as Zanetti was beginning to make an impression on a national level, Isobel Smith was becoming increasingly marginalised and frustrated at the LCC. As the only Inspector in Chorlton, Zanetti had been given considerable autonomy to re-orientate her role to include a wider child welfare agenda. By contrast, Smith was rather more constrained. The LCC had encouraged their Inspectors to dispense advice and pamphlets to individual women, that would appear to have constituted the limit of their engagement with infant welfare issues. By April 1908, Smith was beginning to tire of her job and she wrote to James Ollis, Chief Officer of the Public Control Department, complaining of what she described as the 'increased drudgery' of her job.[702] A meeting was convened at which Smith, in the presence of Ollis and Mr W. Haydon, Chairman of the Public Health Control Committee**,** expressed the view that in her early years with the LCC she had an opportunity to engage in public speaking and infant welfare advocacy but as more and more infants came to the attention of the Inspectors, she had found herself

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[701] William Chance [ed.], *Proceedings of the third international congress*, p. 165

[702] 'Note of an interview at 31 Spring Gardens', April 1907 , LCC, Reports and Printed Papers- Infant Life Protection Act, LMA, PH/GEN/1/2.

increasingly exhausted by the workload. Smith told the meeting that the nature of her post had altered and 'the former opportunities she had enjoyed of intellectual stimulus by associating with intelligent people interested in rescue work and the welfare of infants had disappeared.'[703] Smith also complained that she spent her time 'visiting women who kept infants amidst squalid conditions ... giving frequent advice and arguing with ignorant women as to the proper maintenance of infants.'[704] This increased volume of work, Smith argued, required a superintendent female Inspector. Along with overseeing the work of others this superintending officer could also spend 'the better part of her time making enquiries of a special nature such as were likely to arise from time to time under the Act.'[705] Smith felt that her long experience made her eminently suitable for the new post she proposed.

Isobel Smith's request for professional recognition and work that matched her sense of vocation was not granted. Ollis and Haydon were not slow to deploy the archetype of the officious 'Lady Bountiful' in an attempt to dismiss Smith's claims. Haydon described Smith's attempt to create a role for herself as 'high-handed' and attributed her current unhappiness to her own officiousness rather than the demands of the post.[706] Haydon claimed that 'Miss Smith might perhaps take her present duties a little too seriously'

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[703] *ibid.*

[704] *ibid.*

[705] *ibid.*

[706] *ibid.*

and cited her over-long and pedantic inspection reports and drawn out home visits as evidence of this. Smith defended her own work practice against these charges and asserted that the length of her visits were often necessary as 'she had made it a rule to never leave a house when it was in the interest of the infants that she remain' and asked Ollis and Haydon 'to be good enough to point out to her what way it [her report] could be shortened.'[707] Smith's suggestions were not acted upon and she remained in her post for the duration of the period covered by this thesis.

Preparing for the 1908 Select Committee

Undaunted by this experience and the increasing demand of her workload, Smith remained keen to engage in policy issues and an opportunity presented itself in 1908. The election of a reforming Liberal Government in 1906 had raised expectations that further regulation of paid-childcare might be a real possibility. The omens were good: in the two years since they'd been elected; the government had shown a determination to introduce social legislation that extended the state's obligation to its citizens.[708] Herbert Gladstone promised to deliver what he described as a Children's Charter to consolidate all legislation relating to child welfare.[709] However Stephen

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[707] *ibid.*

[708] This formed a key part of what Kate Bradley *et al,* 'Youth and crime: centennial reflections on the 1908 Children Act', *Crimes and Misdemeanours,* 3:2, p. 4 Badley *et al* described this measure as ' a pantheon of social legislation passed by the Liberal Party after their 1906 election win.' This constituted an extraordinary extension of state power in a comparatively short period of time and covered areas such as Old Age Pensions, Unemployment Benefit and School Inspection.

[709] 'A Bill to amend the Infant Life Protection Act, 1897', House of Commons Bill, 1908, No. 42, Vol. II, p. 997.

Cretney has argued that the gargantuan 134-clause Bill that was placed before Parliament did not affect radical change. Cretney asserted that in order to ensure passage of the Bill through Parliament, it 'was drafted to avoid controversial topics as far as possible.'[710]

In relation to paid-childcare, a Select Committee was ordered in March 1908 and in nine sittings, took evidence from 19 witnesses.[711] The occupational and gender make-up of the witnesses at the 1908 Select Committee on the Protection of Infant Life was a stark contrast to the witnesses who had appeared before its equivalent in 1871. In 1871 medical witnesses had dominated proceedings, but in 1908 only two were called before the Select Committee. The remainder of the witnesses were drawn from philanthropic bodies conducting work with vulnerable children, or statutory officials responsible for the administration of the 1897 Infant Life Protection Act. This radical overhaul in the composition of the witnesses confirms the view that, by 1908, the issue of paid-childcare had ceased to be an area where the medical profession could claim a monopoly of expertise. The gender makeup of the witnesses had also altered radically in the 37 years between the Select Committees: whereas only two female witnesses had appeared in 1871, by 1908 seven of the 19 witnesses were female and these women were drawn from the both the voluntary and statutory sectors. The terms of reference directed the committee's attention to three key issues: the

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[710] Stephen Cretney, *Family law in the twentieth century,* (Oxford:2005) p. 643.

[711] Report, March 1908, Select Committee on the Protection of Infant Life, HC Select Committee No. 147, Vol IX, p iii.

extension of legislation to cover children up to the age of seven, the removal of the so-called '£20 clause' and the inspection of single-child homes. It was the latter issue that would occupy much of the committee's attention and would be the cause of bitter debate.

Despite increased participation by female witnesses, Isobel Smith did not appear at the 1908 Select Committee. The LCC was represented by her direct superior, James Ollis. In a seemingly unsolicited letter sent to Ollis, Smith presented extensive testimony based on her experience as an Infant Life Protection Officer and her views on extending inspection to single-child cases.[712] Smith prefaced her account with a handwritten note stressing the necessity 'that someone should put the opposite point of view from that advanced from the "Philanthropic Ladies" in relation to one child cases.'[713] Smith's warning proved to be prescient as the female philanthropists who gave evidence universally resisted the extension of the Act to cover such one-child cases.[714] This provided an attractive option for smaller charities that could not fund the cost of building and running institutional accommodation, but was also favoured by some larger institutions, as accommodating large numbers of infants in a single building had made the

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[712] Evidence offered by Isobel G Smith, 24 January 1908, LCC, Reports and Printed Papers-Infant Life Protection Act, LMA, PH/GEN/1/2.

[713] *ibid.*

[714] This was also paralleled in the boarding out movement. Whilst children boarded out by Poor Law Unions did not come under the terms of the Act, it forms an interesting parallel. The system of boarding out predominated in Scotland, but was only adopted the by a minority of Poor Law Unions. The greater use of boarding out in England was advocated by a number of campaigners, notably Florence Davenport Hill, *Children of the State,* (London:1889).

control of infectious illness difficult.[715] As these organisations tended to place children in single-child households, any move to extend the Act to children placed singly would bring them under the control of the Poor Law Union and their Inspector for the first time.

The 'Philanthropic Ladies'

Three women engaged in what might be loosely described as 'philanthropic rescue' appeared before the 1908 Select Committee. They were Mrs Robert Peel Wethered, founder of the Paddington and Marylebone Ladies Association, EH de Curtis of the District Nursing Association of Hammersmith and Fulham and Lady St Hellier, who had worked on a private basis with 'fallen' women.[716] Homrighaus has asserted that the forms of rescue work these women had specialised in were not primarily focused on the welfare of children, but on recovering the reputation of the 'fallen woman' who had given birth to them. These philanthropic gestures were also rooted in an unforgiving moral framework and a number of such organisations only offered their services to those who had 'fallen' for the first time and expected the child's mother to meet the cost of paying the

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[715]When philanthropists had set up homes for abandoned infants the consequences had often been fatal, J.Brendan Curgeneven, *The Waste of Infant Life,* p. 4 documented an earlier philanthropic institution established in Westminster where infectious illness had killed almost all the infants in their care and their venture 'instead of preventing infanticide they had had made themselves the medium of infanticide on an extensive scale.'

[716] The term philanthropic rescue is used to imply that the primary purpose of the intervention was to restore the reputation of the 'fallen' woman rather than ensuring the welfare of the infant, often only offering sanctuary to women who 'fallen' for the first time and had previously been of unimpeachable character. For further discussion of philanthropic rescue see ; Ginger Frost, '"Your mother has never forgotten you": illegitimacy, motherhood, and the London Foundling Hospital, 1860-1930.', *Annales De Demographie Historique,* 1:1 (2014) pp. 45-72.

childcarer once the child had been placed by the organisation, with Peel Wethered making it clear that her organisation 'never made itself responsible for payment.' [717]

The arguments that these women presented against the extension of the Act to cover single-child cases fell into three broad categories: the first argument had strong echoes of the arguments mounted by the 'Committee for Amending the Law at Points where is it is Injurious to Women' ahead of the 1871 Select Committee. It was asserted that the practice of state inspection of infants constituted an assault on the sanctity of the private home. Peel Wethered raised the spectre of Poor Law Unions sending 'an army of Inspectors from house to house, from room to room in the big towns to find out who ought to be on the register.'[718] Her evocation of such an image was richly ironic, given the reluctance of many Poor Law Unions to appoint a single full-time Inspector, let alone an army of them. Indeed, Lady St Hellier asserted that this strict division between the public and private was shared by the paid-childcarers she had worked with: 'they hate anyone coming into their homes they hate the tax Inspector and they hate any government official.'[719] Such was the strength of feeling, St Hellier argued, that the stock of women willing to take children from philanthropic bodies

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[717] Evidence of Mrs Robert Peel Wethered, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 39.

[718] *ibid.*

[719] Evidence of Lady St Hellier, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 46.

would be greatly diminished, as the very act of 'official interference' would bring with it 'the opprobrium of being labelled a baby-farmer.'[720]

Secondly, along with objecting to the principle of official inspection, objections were raised about the practice of the inspection undertaken by Infant Life Protection Inspectors. The philanthropists deployed the archetype of the meddling, petty 'Lady Bountiful' in relation to Inspectors employed by the Poor Law Unions. Lady St. Hellier claimed that the homes of the paid-childcarers she had sent the children to were 'quite good enough for the children to be brought up in but I am afraid that they [Infant Life Protection Inspectors] would say that the homes are not good enough, we must have more air or the cradle should be placed elsewhere.'[721] It is interesting to note that in the case of Mary Packer, a Salvation Army worker had made the judgement that Packer had offered 'quite good enough' care to the children that had died in her charge and made no effort to inspect her home or the state of the children in it. This disdain for what was characterised by Lady St. Hellier as 'brass button inspection' was contrasted by the approach that she claimed was adopted by philanthropic bodies. Lady St. Hellier talked about her philanthropic ladies demonstrating motherly concern and becoming 'real friends' to the women they oversaw.[722] Given that Infant Life Protection Inspectors were appointed on a statutory basis, their capacity to represent their actions as an act of friendship was rather

[720] *ibid.*

[721] *ibid.*

[722] *ibid.*, p. 43.

limited. However the notion of genuine and ongoing friendship is not altogether borne out by St Hellier's book, *Lesser social questions*. In this text, seemingly written as a manual for would-be philanthropists, St Hellier advised her readership to present themselves as a 'woman more or less like herself, who more or less understands her and knows her life and its temptations.'[723] The manner in which this advice was couched suggests that describing paid-childcare as a domestic activity, based upon friendship, was a mere technique to engage recalcitrant women, rather than an accurate reflection of her attitude to the women she worked with.

The notion that philanthropists could offer a better standard of care did not go uncontested by women working within the statutory sector. There was no compulsion for charitable organisations to conduct any form of inspection and the nature and quality of inspection varied across organisations. Some bodies such as the Salvation Army merely facilitated the transfer of infants to the paid-childcarer and did not offer ongoing inspection after that date.[724] By contrast, the Church of England Waifs and Strays Society conducted an inspection regime that was more bureaucratic than that undertaken by Poor Law Unions.[725] Marion Mason was scathing about the quality of inspection provided by philanthropic bodies she had encountered in the course of her work at the Local Government Board. Mason asserted that mere good

[723] Mary Jeune [Lady St Hellier], *Lesser Questions*, (London:1894), p.172.

[724]Letter, John Carlton to Sgt George Langdon, 15 September 1899, Inquisition on the body of William Clarence Sutter, 19 September 1899, Inquest papers, Liberty of the Duchy of Lancaster, LMA, COR/DOL/1899/004..

[725] See for example, Church of England Waifs and Strays Society, *The Church of England Home for Waifs and Strays: handbook for workers* (London:1904), pp 7-14.

intentions were not enough and that inspection required professional expertise. In the course of her evidence Mason recounted an experience where philanthropic women had 'visited the child daily and they knew nothing of its real condition as they are not trained in how to inspect the child, they believed in good faith that the child was all right but I counted 54 bruises.'[726]

Thirdly, all three philanthropists drew an absolute distinction between those who took in more than one child - labelled by de Curtis as 'professional baby-farmers' and women who only took one child.[727] In relation to the paid-childcare providers that her organisation had engaged, de Curtis denied that the women were conscious of a profit-motive at all and claimed that children were taken out of 'sheer love and neighbourhood kindness.'[728] Indeed, Peel Wethered described these women as 'usually a married woman who has lost her own children or has no children of her own.' [729]

Frances Zanetti and the Select Committee

In her own evidence before the committee, Zanetti effectively dismissed the notion that the good character of the woman taking the child could be used as a way of ensuring that a child received an adequate level of care and that

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[726] Evidence of Miss Marion H Mason, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 72.

[727] Evidence of Miss EH de Curtis, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 50.

[728] *ibid*., p. 51.

[729] Evidence of Mrs Robert Peel Wethered, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 40.

the intentions of those taking the children was largely irrelevant. Zanetti asserted that those infants taken out of neighbourly feeling or duty were often most vulnerable. 'I had a case where a child had died after the woman had taken a child out of pity for the mother in exchange for 3 shillings a week and you could not keep the child for that.'[730]

This statement is in many ways emblematic of Zanetti's evidence before the committee. Whilst the evidence given by the representatives of philanthropic bodies was impressionistic and at times accusatory, Zanetti's evidence was firmly rooted in the casenotes that she had patiently assembled. Zanetti emphasised that upon taking up her post in 1898 she had made 'exhaustive enquiry' into the makeup of paid-childcare in Manchester.[731] In the first four years of her employment, Zanetti discovered 809 children taken in exchange for money and in 793 of those cases, the children were exempt from inspection as they were the only child kept in the house.[732] Uncovering these 809 cases was no mean feat and had been accomplished by Zanetti 'going practically door to door.'[733] Armed with these hard-won statistics Zanetti claimed she had a 'very strong point in favour of extension of the Act to one child cases.'[734] Along with the sheer number of infants kept in single child cases, Zanetti claimed that such infants did not

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[730] Evidence of Frances Zanetti, March 1908, Minutes of Evidence, Select Committee on the Protection of Infant Life, HC Select Committee, No. 147, VOL IX, p. 22.

[731] *ibid.*, p.27.

[732] *ibid.*

[733] *ibid.,* p.28.

[734] *ibid.*

receive a significantly better standard of care and gave illustrative examples of single-child cases in which she had been concerned about the welfare of the child, but had been powerless to intervene.[735]

Nevertheless, Zanetti was at great pains to emphasise that in the majority of cases she had encountered, regardless of the number of children kept, the care received was of a good standard and, in the course of a decade, there had been only 24 occasions when she had initiated prosecutions or admitted a child to the workhouse.[736] Perhaps the most compelling piece of evidence in favour of extending the Act to include single child cases was her assertion that a number of women who had taken in one child had asked Zanetti to inspect the children in their care on a voluntary basis. Zanetti argued that for these paid-childcare providers being under the supervision of an Inspector served as a vindication of their child-care practice. Zanetti stated that she consulted with a number of the paid-childcare providers that she had inspected on a voluntary basis and claimed that all had stated that single-child cases should be included within the Act.[737] Whilst by her own admission Zanetti had consulted with 'the fringe' of single-childcarers who had sought her out and requested voluntary inspection, she was keen to emphasise these women saw inspection as a positive boon.[738] Zanetti claimed that far from being a source of shame and a disincentive to taking

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[735] *ibid.,* pp. 28-29.

[736] *ibid.*, p.29.

[737] *ibid.,* p.30.

[738] *ibid.,* p. 31.

children, her inspection served as a bulwark against neighbourhood gossip and a hallmark of their competence as a practitioner. The evidence that single-childcarers could engage with an Infant Life Protection Officer in an instrumental manner in order to enhance and legitimise their activities contradicted the claims made by philanthropists that respectable and well intentioned childcare providers would resent official inspection.[739]

Despite the vehement opposition expressed by female philanthropists, the committee concluded in their report that, 'the body of facts laid before them by those who urged the extension of the Act was not displaced by any evidence.'[740] The committee recommend that the provisions of the *Infant Life Protection Act should* [original emphasis] be extended to include cases where not more than one infant is kept in consideration of periodical payment.'[741] It is difficult to dispute Daniel Grey's assertion that the 'evidence of Miss Frances Zanetti ... arguably had the greatest influence over the Committee's report.'[742] The very fact that Zanetti, was at the Select Committee at all was significant – she was a relatively junior front-line worker and all the other witnesses held executive positions within their respective organisations – but the fact that she affected so much influence over the final findings of the committee was truly remarkable.

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[739] Catherine Lee, 'Prostitution and Victorian society revisited: the Contagious Diseases Acts in Kent', *Women's History Review* 21:2 (2012), pp. 301-316 makes a similar point that women working as prostitutes engaged with the inspection mandated by the CD Acts as part of a survival strategy.

[740] Report, March 1908, Select Committee on the Protection of Infant Life, HC Select Committee No. 147, Vol IX, p iii.

[741] *ibid.*

[742] Daniel Grey, 'Discourses of infanticide', p. 352.

Conclusion

Infant Life Protection Officers did not stamp out unproblematic paid-childcare or create a uniform and efficient nationwide network of inspection. As this chapter has demonstrated the implementation of the 1897 Act had been uneven. Instead it is possible to conclude that the real success of Infant Life Protection Officer was that a comparatively small number of them succeeded in making functional paid-childcare visible. Even when they encountered problematic paid-childcare providers, they were able to quantify and contextualise the nature of the problem. Thanks in part to Zanetti's determined advocacy and convincing display at the committee, paid-childcare was not only cast as a solvable problem, but one that salaried female Poor Law officials, rather than charitable or philanthropic women, were best placed to solve.

Conclusion

This thesis has explored the manner in which informal childcare performed for money was represented across the period 1867-1908. It has attempted to make an original contribution to research by exploring the multitude of ways paid-childcare was constructed and has considered how these representations shifted across time and place. Such an approach has proved fruitful as existing scholarship has been limited in both scale and scope. As Chapter One of this thesis has demonstrated, paid-childcare lacks an extensive historiography of its own and academic focus has largely fallen on a small group of women accused of murdering children they were paid to look after, often as an adjunct to histories of infanticide. With the notable exception of Margaret Arnot, the limited body of work that treats the provision of paid-childcare as an autonomous practice has tended to treat the use the expression 'baby-farmer' as a category of analysis.[743]

It is important to reiterate that at no point in the period covered by this thesis did a stable and uncontested representation emerge of women who took in children for money. Instead, this period was characterised by a series of competing narratives of which 'baby-farming' was just one, albeit a particularly popular and durable one. This view, that childcare performed for money was synonymous to infanticide for hire, was a consistent feature of the campaigning efforts of the Infant Life Protection Society. This representation also featured in campaigning literature produced by the NSPCC and in press coverage of trials featuring women who took in children for money. In particular, Ernest Hart through the auspices of the

[743] Margaret Arnot, 'Infant death,' pp. 271-231.

ILPS and the *BMJ* demonstrated considerable rhetorical skill in constructing and popularising the archetype of the malevolent 'baby-farmer.'

However it is easy to overestimate both the ubiquity and impact of these constructions. This tendency is apparent in Homrighaus's claim that 'all parties concurred ... baby-farmers were wolves in women's clothing - monsters whose "mercenary" desire for money drove them to commit "depraved" and "wicked" acts.'[744] Far from confirming the ubiquity of these representations, this thesis has found the opposite: the application and effectiveness of 'baby-farming' narratives was uneven and varied significantly across time and place. Other social actors read the ambiguities and silences around paid-childcare differently and constructed other narratives, in which taking a child for money did not imply murder or criminal intent. In courtrooms, Select Committees and in the notebooks of Infant Life Protection officers, the 'baby-farming' narrative was called into question.

This is particularly evident in analysis of court cases involving paid-childcarers. The absence of physical signs of violence and inconclusive medical evidence in non-capital cases, gave social and economically marginal participants in the court a space to tell different stories about paid-childcare and the woman on trial. In contrast to the pitiless press portrayal of these women, within the court neighbours, called as witnesses, were reluctant to apply the template of the murderous 'baby-farmer' to the

[744] Ruth Homrighaus, 'Wolves in women's clothing', p. 351.

accused. Neighbours frequently defended the child-rearing practices of the accused, even in the face of multiple infant deaths and the full knowledge that the children had been looked after in exchange for money.

The plurality of narratives around paid-childcare and the shortcomings of attempts to portray its practitioners as would be murderers was highlighted ahead of the 1871 Infant Life Select Committee. Whilst the claims made by members of the ILPS appeared to be effective in galvanising a campaign against so-called 'baby-farming', their ability to translate this into effective legislation was comparatively weak. The ILPS had demanded a comprehensive system of police and medical supervision of all women who took in children for money.[745] In its final form, the 1872 Infant Life Protection Act fell far short of what the ILPS had demanded. The ILPS's claims were met with a powerful counter-narrative skilfully constructed by the National Vigilance Association for the Defence of Personal Rights. In representing the ILPS's proposals as an assault on the traditions of individual liberty, parental authority and the sanctity of the private home, these campaigners effectively neutered the bill, by appealing to deeply imbedded and widely held beliefs. In its final form, the 1872 Act was rather more indebted to these traditions and personal rights than the claims by the ILPS, the 1872 Act contained no mechanism for inspection and women

[745] J.Brendan Curgeneven, *The waste of infant life*, p. 4.

who only took one child or children over the age of 12 months were altogether exempt.[746]

As has been demonstrated above, the manner in which paid-childcare was represented was context dependent. Whilst the press and some campaigners benefitted from perpetuating the idea that women who took in children for money did so with ill-intent, other narrators in different contexts offered alternative accounts. The kind of narratives constructed in 1908 were very different to those that had been constructed in 1867. As Chapter Five has shown, by the time the period covered by this study was drawing to a close, accounts predicated on the representation of paid-childcare providers as murderous 'baby-farmers' had lost almost all of their resonance.

By the first decade of the new century, new voices were engaging with the topic of paid-childcare. The post of the Infant Life Protection Officer had been created by the 1897 *Infant Life Protection Act.* This largely female workforce achieved something no narrators had achieved before, they engaged in regular and sustained contact with women who offered childcare for money. The hitherto unanalysed case files, assembled by these Inspectors, offered the possibilities of different stories, ones in which specific women and their childcare practices became visible. These case files revealed a whole range of child care practice. For the first time it was possible to see how and why paid-childcare functioned. Contrary to the narratives presented by some earlier investigators, where children were

[746] *Infant Life Protection Act,* 1872, 35 & 36 Vict c.38, cls. 2,4.

aggregated in large-scale 'baby-farms' at a few days old with the express intention that they should die as quickly as possible, the women who came into contact with Infant Life Protection Officers did not wholly resemble this archetype. Children found themselves being looked after for money for a variety of reasons, duration and at varying ages. It should be noted that whilst significant numbers of women managed to evade inspection, in contrast to speculative representations in the past, the accounts given by these Inspectors gave the impression of being empirically driven and authoritative. The accounts these officers presented offered a scenario that Curgenven and Hart would have considered inconceivable: evidence of functional, affective relationships developing between children and the women paid to look after them. This was by no means universal, but it went some way to challenging the picture that merely receiving money for childcare did not always equate to cruel and wanton treatment. Whilst all but one of the case files analysed recorded a number of cases of ill-treatment, this constituted a tiny minority of the overall cases that they dealt with. When Inspectors encountered sub-standard child-care provision, they tended to prescribe education and instruction rather than criminal sanction. This approach chimed with a wider move towards improving children's physical and mental health outcomes at a time when these issues were of wider societal and political concern.

However, these complex articulations of paid-childcare could have remained sealed within the case files of the Infant Life Protection Officers who constructed them had it not been for the pivotal performance of Frances

Zanetti when speaking before the 1908 Select Committee. In arguing for an extension of the 1897 Act to encompass single-child cases, Zanetti's evidence was qualitatively different to that offered by the other witnesses. In particular, she presented statistical analysis drawn from her extensive case files and drew on her 10 years of direct contact with paid-childcarers. It could be argued that her knowledge of the topic of paid-childcare far surpassed that of anyone else present. By contrast, the accounts offered by other witnesses appeared fanciful and unsubstantiated.

This thesis considers Frances Zanetti's role in re-shaping narratives around paid-childcare to be hugely significant. Zanetti was not the first person to represent childcare performed for money as something other than thinly disguised infanticide, but her accounts effectively removed the absences and silences around the topic. Before Zanetti's interventions, the lack of verifiable knowledge around paid-childcarers had allowed a space for lurid and unsubstantiated accounts, based on the flimsiest of evidence, so long as the carers themselves remained hidden from view. In fact, as late as the 1890s, Benjamin Waugh of the NSPCC was able to exploit these absences and silences around paid-childcare to claim that there existed in Britain a vast organised subterranean network of malevolent women into which he could 'could baby-farm a million a year and remain undetected.'[747] An increased awareness of a range of paid-childcare activities and the visibility of the women who offered them had an impact on Waugh's successor at the

[747] Evidence of Benjamin Waugh, August 1896, Select Committee of the Infant Life Protection Bill, HL Select Committee, No. 342, Vol. VII, p. 96.

NSPCC, Robert Parr. In his 1909 text, *The baby farmer and exposition and an appeal.* Parr reasserted the risk posed to infant life by such 'wretched women' who took in children with the sole hope of making a profit and made renewed calls for funds to 'tackle this evil.'[748] Whilst Parr was to remind supporters that a number of paid-childcarers posed a threat to infant life, he was careful to emphasise that he reserved his contempt for women who had taken in children with the express intent to abuse and starve them in the name of profit. Far from being exemplars of entrenched and systematic abuse performed for money, such women were dwarfed by;

> Many thousands of women in the country who have faithfully discharged the duties they undertake: devotion, self-denial, love have been given as freely to these infants in their change as to their own family. No disgrace should attach to anyone fulfilling a necessary duty.[749]

In the post *Children Act* context, if Parr had attempted to create a purely damming picture of childcare, it would have not considered credible. Even those who wished to emphasise problematic forms of paid-childcare were forced to acknowledge that the parameters articulating this concern had moved.

By 1908 paid-childcare providers had largely ceased to be shrouded in mystery and individual paid-childcare providers were more visible than they

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[748] Robert Parr, *The baby farmer; an exposition and an appea*l, 2nd edn., (London: 1909), p. 58.

[749] *ibid.* p. 52.

had been in 1867. It is striking that paid-childcare providers personal accounts are largely absent. When paid-childcarers feature in this thesis, they feature as the object of other people's accounts, rather than the authors of their own. With the notable exception of women who appeared as unwilling participants in their own trials and the attempt by Caroline Jagger to challenge the *BMJ*'s characterisation of her as a 'baby-farmer', paid-childcare providers rarely expressed their views in a public forum.[750] As such, this thesis has been unable to make authoritative comment on what paid-childcarers thought and said about their own practices. As Jenny Keating has demonstrated, secrecy has long been a feature of the transfer of children away from their parents.[751] During the years between 1867-1908, the need for anonymity might be considered particularly acute, when press narratives were keen to assert paid-care providers' activities were synonymous with infant murder. Future research on the period after 1908 may prove more fruitful as the role of the paid-childcarers become less stigmatised and after 1908 they may have been more willing to acknowledge how they made a living. In relation to this topic, the period between the ratification of the 1908 Act and the passage of formal adoption legislation in 1927 in England and Wales, and in 1930 in Scotland, remains largely uncharted. Daniel Grey's work has emphasised that the First World War changed attitudes to raising other people's children and in the immediate

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[750] 'Baby-farming', *BMJ,* 25 January 1868, p. 84.

[751] Jenny Keating, *A child for keeps: the history of adoption in England,* p. 5

post war period, so called 'adoption' agencies flourished.[752] A study of attitudes towards these unregulated commercial organisations, predicated on making a profit from the transfer of infants, could be accomplished using a similar methodology to that used in this thesis.

Whilst there remains ample scope for further research in the interwar years, it is important to acknowledge that there are significant things to learn from this study of the period 1867-1908. Most notably this thesis has demonstrated that a history of paid-childcare cannot be fully contained within the history of infanticide and nor can the multitude of complex reactions to such women be explained by the epithet 'baby-farmer.' In expanding both the scope and scale of scholarship on this topic it has become clear that the sustained debates that occurred across the duration of this thesis are more complex, yet for the historian ultimately rewarding. The previous five chapters have highlighted a plethora of deeper seated ideas, including, but not limited to, the shifting child-welfare agenda, the limits of parental authority, women's employment and the relationship between the state and the individual. Perhaps, most pertinently, this thesis has established that the debate over paid-childcare did not solely revolve around preventing women from murdering children and, from the early part of the twentieth century onwards, narratives were more likely to suggest how paid-childcare could be accommodated, rather than prohibited.

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[752] Daniel Grey, 'Discourses of infanticide', p. 488.

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